

ORDER ESTABLISHING UNIFORM POLICIES, PRACTICES
AND PROCEDURES
CIRCUIT CRIMINAL DIVISION 22

Pursuant to the authority of Florida Rule of Judicial Administration 2.120(a), 1 and so as to promote the efficient and timely disposition of judicial business before Judge Alicia L. Latimore in Division 22 of the Ninth Judicial Circuit Florida, the following policies, practices, and procedures are hereby established, effective February 1, 2017, and shall continue until further order of this Court:

Notice of Appearance:

Counsel shall file a Notice of Appearance and, if necessary, obtain a signed Order for Substitution of Counsel, before filing pleadings, scheduling hearings or appearing before the Court in any matter. The Court does not accept a Limited Notice of Appearance.

Courtroom:

All attorneys shall be in the courtroom (18-A) promptly for hearings as scheduled. All negotiations and paperwork shall be completed and signed prior to the Judge taking the bench.

All counsel are presumed to be familiar with and shall abide by the Amended Administrative Order Establishing the Ninth Judicial Circuit Courtroom Decorum Policy, No. 2003-07-02, which is available on the Ninth Circuit website. The Court's authority is pursuant to State v. Covington, 131 So. 3d 10 (Fla. 1st DCA 20 12) (citing Owen v. State, 773 So. 2d 510 (Fla.2000), and Green v. State, 951 So. 2d 962 (Fla. 1st DCA 2007)).

Dockets & Arraignments:

The Judicial Assistant (JA) will distributed the daily docket on Thursdays for the following week. Add-on dockets will be distributed every afternoon, two days in advance of the scheduled hearing date. The cut-off to make the add-on docket is 2:00 p.m. - no exceptions.

Arraignments will be set at 8:30 a.m. on Tuesdays, Wednesdays, and Thursdays - except on the day of Pre-Trial Conference.

Felony Case Management hearings will be set at 9:00 a.m. on Tuesdays, Wednesdays, and Thursdays - except on the day of Pre-Trial Conference.

Case Management:

All attorneys and their clients shall be present for Felony Case Management and Trial Case Management conferences. See Cruz v. State, B22 So. 2d 595 (Fla. 3d DCA 2002) (noting that a trial court can require the personal presence of the defendant in court so long as defense counsel and the defendant are clearly advised that the defendant's personal presence is required).

The State shall make all new or revised plea offers least seventy-two (72) business hours prior to any scheduled Felony Case Management, Pre-trial Conference or Trial Case Management. The Court will accept pleas at any hearings.

Pre-Trial Conferences:

All clients shall be present for Pre-Trial Conferences unless the defendant has signed and filed a written waiver pursuant to *Fla. R. Crim. P. 3.220(o)(1)* or the Court orders otherwise. In any instance, attorneys shall appear for pretrial conference unless counsel sets a plea date in advance or the Court has excused counsel.

Plea may be scheduled with the Judicial Assistant in advance of or during the Pretrial Conference. Plea Cut-Off date is at Trial Case Management. Failure to enter a negotiated plea prior to the start of the trial period will result in a plea to the bench or trial.

Discovery:

All discovery shall be completed by the close of business on the Friday before the scheduled Pre-Trial Conference.

Motions and Hearing Times:

All motions must contain a Certificate of Good Faith that the moving party has either contacted or attempted to contact the non-moving party in an attempt to resolve the matter. The statement shall also indicate what the non-moving party's position on the motion is, or that the non-moving party did not respond in a timely manner. The non-moving party shall have no less than twenty-four (24) hours to respond before filing the motion. If the moving party did not attempt to obtain the non-moving party's response,

there must be a statement as to why no response was sought. This information must be included within the body of the motion prior to the Court reviewing the matter in chambers and the moving party receiving a hearing time.

It is the movant's responsibility to contact the JA to schedule contested motions for hearing. Prior to the JA setting a motion for hearing, all motions will be reviewed to ensure compliance with the above paragraph. However, the Court will not review, rule on, or set for hearing any motion that is not viewable in Odyssey (the clerk's electronic case management system). No pleadings of any sort will be accepted via email or fax.

All motions requiring an evidentiary hearing (i. e., motions to dismiss, motions to suppress) shall be filed and heard prior to Pre-Trials. No motions will be set for hearing after Pre-Trial or just before trial. Failure to timely file and schedule a hearing alone will not be sufficient grounds to grant a motion to continue. See State v. Powell, 717 So.2d 1050 (5th DCA 1998).

Upon request, the JA will provide the movant with several dates and time to coordinate the hearing. The movant shall advise the JA as to a reasonable amount of time needed to hear the contested matter taking into account time needed to examine witnesses and present argument. It will then be the movant's responsibility to contact the non-moving party to coordinate the proposed dates and contact the JA to secure the time slot. Be advised, hearing times are reserved on a first-come, first-served basis. Hearing times are not secured until the JA has confirmation that all interested parties are available **and** the JA has confirmed that the slot has been secured. The movant must then file a notice of hearing and serve all interested parties including the defendant. Hearings that have not been confirmed by the JA will not be heard by the Court.

The Court will hold all hearings to the allotted time which was confirmed by the JA. If the hearing is not completed with the allotted time, the parties shall contact the JA to schedule a date for continuation of the hearing.

Orders will be distributed by electronic filing, or email to all parties included in the certificate of service. If a party is not registered in the e-portal or is not included in the certificate of service, it will then be the moving party's responsibility to obtain and distribute copies of the order to that party.

For distribution of orders by mail, you must either hand deliver or interoffice the following to chambers: a cover letter, courtesy copy of your motion, proposed order, copies of the order for conforming, and self-addressed envelopes for mailing of the conformed orders to anyone other than the State and Public Defender's Office. If no copies or not enough copies of the order for conforming are provided, or self-addressed envelopes are not included, the original order will be signed and electronically filed. It will then be the moving party's responsibility to obtain a copy from the clerk and distribute it to the interested parties.

Trial/Jury Instructions:

The Court has full discretion as to when a case will be called during the trial period. Parties shall be prepared to proceed to trial when called or, in some instances, the Court may find a waiver of speedy trial. The Court will not accept negotiated pleas during the trial period-only pleas to the bench.

Trial clothing for defendants that are inmates must be delivered to the Orange County Jail prior to the day of trial. Neither the courtroom deputies nor the holding cell staff in the courthouse will accept clothing.

The State shall generate the initial draft of all jury instructions, including Category 1 lesser included offenses and special instructions, prior to the conclusion of the State's case in chief. Copies shall be served on the Court via email to the JA and to defense counsel.

Inmates:

All inmates are ordered automatically as long as the inmate is listed on the docket the same way he/she was booked into the Orange County Jail. If there is an alias, alternate spelling of the defendant's name, or a date of birth that should be corrected, it is the attorney's responsibility to inform the JA accordingly prior to the add-on docket deadline.

For all Department of Corrections or out of county inmates, please notify opposing counsel and the JA as soon as possible with their location. The State shall provide a transport order to the Court immediately upon learning of the defendant's location in order to have the inmate transported for any scheduled hearing.

Counsel shall meet with their clients that are inmates to review and sign all paperwork, including plea forms, motions to continue, waivers of speedy trial, etc., before the inmate is brought to the courtroom.

Interpreters:

If an interpreter is needed for the defendant and/or witness at a court proceeding, it is the responsibility of the defendant's attorney and/or the attorney calling the witness to request an interpreter. Please notify the JA as soon as possible that an interpreter is needed for an upcoming hearing. While the interpreter's office tries to make every effort to ensure an interpreter is available, this becomes more difficult for languages other than Spanish. For all languages other than Spanish, the interpreter's office requires two weeks advance notice. Once it has been indicated that a defendant needs an interpreter, the Clerk and/or the JA shall make a notation so that the request is added to the notes on any future docket.

Motions to Continue/Cancellations of Hearings:

All motions to continue must contain the opposing party's position and a proposed order. All defense trial continuances shall be with a waiver of speedy trial signed by the defendant. Except in emergencies, motions that are not viewable in Odyssey or hand delivered to chambers at least two business days prior to the scheduled hearing date will not be entertained by the Court and the matter shall remain on the docket as scheduled. The two-business day deadline is to allow sufficient time to rule on the motion before the add-on/cancellation docket deadline.

In any instance, the movant shall immediately notify the JA of the cancellations of hearings and timely notify opposing counsel. Hearings may only be cancelled by the movant or the Court except that Hearings set by the Court may only be cancelled by the Court. Before cancelling a hearing movants are advised to consider whether there is sufficient time to reschedule the matter before the pretrial conference. For motions that are resolved by a stipulated agreement, the Court's signing of a Stipulated Order shall effectively cancel the scheduled hearing.

Notice of Unavailability:

Counsel is responsible for timely filing a Notice of Unavailability when applicable. Counsel must provide coverage for all schedule hearings and trials unless excused by the Court.

Amendments:

The Court from time to time at its discretion may amend this Order.

Please note

This Order supersedes the Ninth Judicial Circuit Court Uniform Pretrial Order.

DONE AND ORDERED in Chambers at Orlando, Orange County, Florida,
January 19, 2017.



Alicia L. Latimore
Circuit Court Judge