

## UNIFIED PRE-TRIAL ORDER

This order applies to all criminal cases prosecuted in the Ninth Judicial Circuit, State of Florida, including felonies, misdemeanors and criminal traffic cases in both Orange and Osceola counties.

### **I. Trial:**

- A. State Attorneys, Defendants and their attorneys and witnesses are expected to be ready for trial and be available during the entire trial period.
- B. State Attorneys, Defendants and their attorneys must be on time for trial and not leave the Judge's court room until released by the Presiding Judge.
- C. Scheduling a case for trial, during pretrial or other court appearance is a representation that the party is ready for trial and that the trial period/trial date is satisfactory to the party.
- D. Criminal cases set for jury trial take precedence over motions, hearings, and civil trials, regardless of whether the motions, hearings or civil trials are in county or circuit court. (Rule 2.550 of the Florida Rules of Judicial Administration).
- E. All Attorneys must bring updated calendars to all court appearances. Once a case is scheduled for trial, any continuance due to a scheduling conflict will not be granted absent extraordinary circumstances.

### **II. Motions to Transfer:**

All Motions to Transfer must be filed ten (10) days prior to trial and contain a waiver of speedy trial if filed by the Defendant and if the result of granting the motion would delay the trial. The Motion must be in the approved form.

### **III. Discovery:**

The Assistant State Attorney shall promptly provide all discovery materials to the defense attorney upon the filing of a Notice Of Discovery. All parties shall commence and complete discovery prior to the Pre-Trial conference. Any motions shall be filed immediately upon discovery of the grounds for the motion and shall be set for hearing prior to the Pre-Trial conference. The only motions allowed after Pre-Trial will be those directed to the conduct of the trial and they shall be set after Pre-trial and before the trial period begins.

### **IV. Pre-Trial Motions:**

- A. Motions for Continuance: (1) Absent extraordinary circumstances, motions to continue must be filed before or at the time of pretrial. (2) Any such motion must be in writing on the approved form, setting forth good cause and must be accompanied by the approved form order. (3) If, after the case is scheduled for trial, a continuance is requested due to witness unavailability, then it must be filed prior to the trial date. (4) A request for continuance due to scheduling conflict will not be granted absent extraordinary circumstances. (5) A request for continuance based upon the scheduling of a non-criminal jury trial case and/or bench trial or hearings shall be denied absent extraordinary circumstances.
- B. Motions To Suppress: (1) Shall be filed at least ten (10) days prior to the Pre-trial conference and scheduled for hearing prior to the Pretrial conference, unless good cause is shown for the delay. (2) Shall clearly set forth evidence sought to be suppressed or excluded, the specific reasons for the suppression and a general statement of facts supporting the motion. (3) Attorneys, Defendants and witnesses shall be on time for the hearing. (4) Hearings shall not be continued due to the attorney's unavailability unless extraordinary circumstances exist. A conflicting trial or hearing date does not constitute an extraordinary circumstance. Attorneys are expected to have back up counsel ready to handle said motions. (5) Late filings of Motions to Suppress may result in denial without hearing. See State v. Powell, 717 So. 2d 1050(5<sup>th</sup> DCA 1998)

### **V: Miscellaneous:**

- A. Interpreters: State Attorney and/or Defendant's attorney shall notify the Court at the pre-trial conference if a language interpreter is required for the defendant or any witness together with notice of the relevant language.
- B. Trial Division: If the trial is moved to the Trial Division, counsel may not reargue motions already ruled upon.
- C. Defendant's Presence: Unless excused by the Court, the Defendant, if not in jail, shall be present with counsel at all preliminary conferences except for arraignment or pre-trial conference if the attorney has timely filed a notice of appearance and waiver of arraignment and/or pre-trial conference. If the Defendant is in jail, Defense counsel shall consult with the Defendant during the week preceding the preliminary conference, and if such jailed Defendant is to enter a plea, counsel must notify the Judge's assistant by 2:00 pm on the working day preceding the Preliminary Conference unless otherwise scheduled by the Judge.
- D. Clients represented by the public defender must stay in contact with the public defender as a condition of release. Failure to stay in contact with your public defender may result in revocation of your conditions of release and you may be incarcerated.