



STATE OF FLORIDA NINTH JUDICIAL CIRCUIT OF FLORIDA

Steven C. Miller
County Judge

ORANGE COUNTY COURTHOUSE
425 N. ORANGE AVE
ORLANDO, FLORIDA 32801
(407) 836-0521
WWW.NINTHCIRCUIT.ORG

Daniel Jimenez
Judicial Assistant
63orange@ninthcircuit.org

JUDGE STEVEN C. MILLER Courtroom Guidelines, Procedures and Expectations for Orange County Criminal Division 63, Courtroom 6C

IN ORDER TO ASSIST COUNSEL, THE LITIGANTS AND THE COURT, THE FOLLOWING GUIDELINES, PROCEDURES, PRACTICES AND EXPECTATIONS ARE HEREBY ADOPTED FOR THE COUNTY CRIMINAL DIVISION NUMBER 63, IN ORANGE COUNTY, FLORIDA WHEN PRACTICING BEFORE JUDGE STEVEN C. MILLER.

Contact Information: The Division e-mail is 63ORANGE@NINTHCIRCUIT.ORG. Please use this e-mail when requesting hearing time, cancelling a hearing, to obtain general information and to forward a copy of a motion and/or a proposed order in WORD Format. When requesting hearing time, motion must already be e-filed and docketed by the Clerk.

Submitting Paperwork: After the Motion has been filed with the Clerk's office, you may send the Motion to the Division e-mail with a proposed order in WORD Format. If there is a party in the case who is not a participant with the Florida E-Portal, you must provide copies and self-addressed stamped envelopes for that party.

If any attorney for a party, or pro se party has used Artificial Intelligence ("AI") in the preparation of any complaint, answer, motion, brief, or other paper filed with the Court, and assigned to Judge Steven C. Miller, you MUST, in a clear and plain factual statement, disclose that AI has been used in any way in the filing, and CERTIFY, that each and every citation to the law or the record in the paper, has been verified as accurate.

Bond Estreatures: When filing this type of Motion, you must send a copy to the State Attorney's Office and the Clerk of Court. A response from their office is required for all motions concerning bond estreatures. Hearing time is NOT required unless there is an objection from the State Attorney's Office and/or the Clerk of Court.

Discovery Matters: All parties are directed to Florida Rules of Criminal Procedure 3.220 and are ordered to comply with the deadlines and terms set forth in the rule. If a discovery dispute arises, the parties should first attempt to resolve the matter themselves. If a resolution is not possible, please e-file a Motion to Compel to the court. If necessary, a hearing will be scheduled.

Arraignments: Arraignments are scheduled Monday through Friday weekly. Please DO NOT fax your Notice of Appearance to the J.A. You must e-file your Notice of Appearance with the Clerk's Office. NOTE: If the Public Defender was already appointed, a Notice of Appearance will be stricken as improper. A Motion for Substitution of Counsel with the Defendant's signature and a proposed Order of Substitution of Counsel must be submitted.

Bond Hearings: New Cases with a pending bond motion - Bond hearing requests will be handled in accordance with the timeframes set by law. Please contact the Judicial Assistant to schedule. The motion must be e-filed with the clerk before calling to schedule.

Violation of Probation Cases with a pending bond motion - The Judge will review the motion in chambers. The Judicial Assistant will contact the Attorney if the motion needs to be scheduled for a hearing.

Motion Hearings: All Motions must set forth the position of the other side and be e-filed and docketed by the Clerk's Office prior to requesting hearing time. When calling or emailing the JA directly to schedule a hearing, please have the following information readily available: Case Number, Defendant's name, type of motion, amount of time needed and the date the case is set for a pre-trial conference date.

Hearings are secured on a first come/first served basis and are not secured until the JA has confirmation that all interested parties are available AND the moving party has received confirmation from the JA that the hearing time has been secured. *Notice of Hearing should NOT be filed with the Clerk's Office until the moving party has received written confirmation from the JA that the date and time requested has been secured.*

Pre-Trial Conference: In person appearance required. Webex link for remote/virtual appearance provided upon request. Any attorney or party appearing remote/virtual are required to login at the beginning of the Court session and remain in the waiting room until their case is addressed.

Court Appointed cases: Defendants represented by the Office of the Public Defender or Office of Regional Conflict Counsel will be set for a specific Pre-Trial date and time.

The option of waiving the Defendant's appearance (see below paragraph) is at the discretion of the attorney, not the Defendant, and is conditioned upon the attorney certifying to the Court that he/she has been in regular contact with the Defendant, has had meaningful conversation with the Defendant about the case and the

purpose of PTC, and has a reliable method of reaching the Defendant (email, phone number, etc.). The Assistant Public Defenders assigned to Division 63 will be present for the scheduled PTC, regardless of any waivers filed, to “check-in” with the Judge about the status of each case. Defendants who are not waived must also appear at the set date/time.

Pro-Se (self-represented) Defendants: all self-representing Defendants shall appear in person for the scheduled PTC and sign in on the sheet designated. If the Defendant may need appointed counsel, he/she shall request the Affidavit of Indigent status prior to addressing the Court about his/her case (these are available in the Courtroom or through the Clerk of Court’s office) so that an attorney may be appointed provisionally if requested.

Waiver of Defendant’s Appearance:

Rule 3.180(a) “*Presence of Defendant. In all prosecutions for crime the defendant must be present: (3) at any pretrial conference, unless the defendant's presence is waived in writing or on the record by the defendant or by the defendant's counsel with the defendant's consent.*”

Waivers SHALL be filed prior to PTC or hand-delivered to the Court at PTC and SHALL be signed by the Defendant or counsel shall announce on the record that he/she has the Defendant’s consent to waive same.

All cases where waivers are filed, all future dates are imputed to the absent Defendant through Counsel.

Cancellation Policy: Please immediately notify the Judicial Assistant via e-mail of all cancellations or settlements so that the calendar may be opened up for other matters. You must attach to the e-mail a copy of the Notice of Cancellation. It is the responsibility of the moving party to file a Notice of Cancellation in the court file and submit a courtesy copy to Chambers as well as the responsibility to contact the opposing party to notify them of the cancellation.

Violations of Probation: Please contact the Judicial Assistant if you require specific information regarding a VOP. When scheduling a VOP Plea Date Certain, Defendants who have an active “Violation of Probation Warrant,” must turn themselves in, be processed, and go to Initial Appearances first, and then you may contact the Judicial Assistant for hearing time.

Early Termination of Probation: Motions MUST contain the positions of the State Attorney and the Probation Officer (P.O.). The Court also requires a written document from the supervising P.O. indicating what conditions, if any, are outstanding. Generally, the Court will not consider early termination if there are any outstanding obligations.

Requests for Court Interpreter: If the Court will require an interpreter to speak to and understand your client, please inform the Judicial Assistant of specific interpreter requests at the time you schedule your hearing or at least two (2) business days prior to the scheduled hearing for Spanish and at least ten (10) business days for any language other than Spanish.

Courtroom Etiquette and Decorum: Counsel shall stand when addressing the Court or the jury. Counsel should seek permission of the Court to approach the bench, the clerk, the witness, or the jury. All parties and attorneys shall avoid contact with the venire and jury and counsel shall so instruct their clients and witnesses. Counsel shall address all arguments to the Court and not opposing counsel. Counsel shall admonish their clients and witnesses that gestures, facial expressions or any manifestations of approval or disapproval of anything occurring in the courtroom is absolutely prohibited. Please see the *Ninth Judicial Circuit Courtroom Decorum Policy* available at <http://www.ninthcircuit.org>.

All Electronic Devices (other than hearing aids or visual aids): Cell phones and other electronic devices must be turned off when possessed in the courtroom. If necessary to make or take phone calls, please step out of the Courtroom. Witnesses will not be permitted to possess any type of communication device while on the witness stand.

Voir Dire: The Court will conduct a preliminary voir dire of the jury. Counsel are welcome to request that the Court explore certain areas of inquiry that may be important to the trial but sensitive in nature. Counsel are reminded to be considerate of the jurors' personal lives during their inquiries as well as the jurors' time constraints. While the Court will afford counsel significant latitude in questioning, the Court will limit repetitive questions. Counsel shall not attempt to either explore the facts of their case nor explain the law that may apply in the case, nor attempt to carry favor with the venire.

Jury Selection Process: After voir dire, the Court will first ask each side for any cause strikes. Upon completion of challenges for cause, the Court will move to pre-emptory challenges. The Court will start with the first juror and move sequentially as they are seated in the venire, alternating between counsel until a panel is chosen. Back striking during jury selection is permitted. The number of alternates will be determined by the type and length of the trial. Each party will have one additional strike as to each alternate.

Opening and Closing: Only demonstrative aids or exhibits marked by the clerk, agreed to by all counsel or approved by the Court may be used in either opening or closing. Counsel may move away from the podium, but shall remain mindful of the jury's space. Counsel should stay at least three feet back from the jury rail at all times. The Court will discuss with counsel the time requirements for both opening and closing at the pretrial conference and will expect that a reasonable estimate be provided by counsel. Counsel are expected to adhere to these time constraints.

Exhibits: All exhibits are to be marked for identification by the clerk **prior to the day of trial**. Exhibits which will be stipulated into evidence may be marked into evidence as exhibits. Once exhibits are marked in evidence or are offered but not admitted, they become the property of the Clerk of Court and may not be altered or removed from the courtroom without order of the Court. No exhibits are to be published or exhibited to the jury until admitted into evidence and/or authorized by the Court. **Audiovisual and/or equipment questions should be addressed with Court Administration:**
<http://www.ninthcircuit.org/programs-services/audio-visual>.

Demonstrative Aids: Any demonstrative aid that is to be used at trial must be marked by the clerk and exhibited to opposing counsel and the Court prior to the week of trial. The Court will hear argument of any counsel opposing the use of the demonstrative aids prior to the trial week. No aids are to be shown to the jury without prior approval of the Court.

Experts: The Court will not accept or qualify a witness as an expert in front of the jury. Challenges to an expert's qualifications and his ability to testify must be addressed prior to the start of the trial period and therefore outside the presence of the jury. Experts are to be cautioned by the attorney who calls the expert of "in limine" rulings, and the effect of the invocation of the Rule of Sequestration.

Use of Depositions: If depositions are to be used at trial in any manner (impeachment, as video testimony, etc.) make certain a hard copy is available both for the Court and for the witness being questioned.

Objections: The Court will not allow speaking objections in front of the jury. When counsel rises to object, only the legal basis for the objection should be stated. If elaboration is necessary, the Court will call counsel to the Bench for a Bench Conference or out of the presence of the jury.

Counsel shall not interrupt opposing counsel or witness's questions or answers with an objection unless the answer or question is patently objectionable. Once the Court has ruled, no further argument shall be permitted.

Jurors: The Court generally will allow jurors to take notes and to ask questions where necessary. Section 40.50, Florida Statutes. If any counsel objects to these procedures such objection should be addressed to the Court prior to the day of trial.

Jury Instructions: Jury instructions are to be prepared by both sides and exchanged at the beginning of the trial. A hard copy must be provided to the Court as well as a copy via e-mail no less than three (3) days prior to the beginning of the trial. The Court intends to provide the jury with a written copy of all jury instructions when the jury retires to deliberate. In addition, the final instructions should not contain any citations, jury instruction titles or information as to who requested the instruction. In certain cases, the Court may provide some substantive law instructions to the jury during preliminary instructions and/or before closing arguments. Should any counsel wish to consider this option, this matter should be addressed with the Court prior to the day of the start of trial.

INFORMATION NOT COVERED IN THIS DOCUMENT

If any matters concerning the conduct of the pre-trial or trial procedures of Orange County Criminal Division 63 are not covered herein, counsel is free to contact the Court for clarification or instruction via the Division 63 email address. A status hearing can be set at which time the Court will attempt to answer any inquiries. The Court appreciates counsels' efforts to understand and comply with this Court's procedures.