



**State of Florida
Ninth Judicial Circuit of Florida**

FAYE ALLEN
COUNTY JUDGE

ORANGE COUNTY COURT BUILDING
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DIVISION 61 PROCEDURES AND HELPFUL INFORMATION

Division 61 is a traffic and misdemeanor division assigned to Courtroom 10-B. This memorandum is designed to assist attorneys, staff and others in policies and procedures in Division 61.

ARRAIGNMENTS:

Arraignments are scheduled by the Clerk of the Court and are held in Courtrooms 4-C or 4-D. Defendants must check in beginning at 7:30 a.m. for traffic and 1:00 p.m. for misdemeanor arraignments. All Defendants are required to appear at arraignment unless a Notice of Appearance, Plea of Not Guilty, and Waiver of Arraignment, has been filed by an attorney prior to the arraignment date.

MOTIONS, EX-PARTE MOTIONS and PLEADINGS

All motions and pleadings should be filed with the Clerk of Courts. All motions filed shall include a proposed order with the defendant's name, case number and certificate of service. The appropriate number of copies, along with pre-addressed stamped envelopes should also be provided. All motions should clearly state whether the Assistant State Attorney has been contacted and if there is an objection by the State or not. It is the attorney's responsibility to contact the Judicial Assistant for hearing time.

Motions To Continue: All motions to continue must clearly state whether the defendant is waiving, or has previously waived speedy trial and whether the opposing side objects to the motion. First time defense motions to continue must be accompanied by a signed waiver of speedy trial. The order should include language and space for a reset trial/pre-trial date if the motion is granted. Motions to Continue must contain a factual allegation of "good cause" for the Motion. Motions to Continue Pre-Trial or Trial must be filed prior to Pre-trial or given to the trial clerk on the day of Pre-trial.

Bond Motions/Hearings: If there is no objection by the State Attorney to a motion to set bond the motion can be presented to the Judge in Chambers for a ruling. If a hearing is needed, contact the JA and a hearing will be set within 2-3 days or within a reasonable time as the docket permits.

Bond Estreature and Capias Recall: All Motions regarding bond estreature and remission of forfeiture must be accompanied by a response from the County Attorney's office. All Motions to Recall Capias and Reinstate Bond **must be accompanied by the written consent of the bondsman for reinstatement of the bond.** Hearings are generally not required for these Motions unless the Judge so directs.

Notice of Expiration (NOE) of Speedy Trial: NOE will be set on the docket within 5-days of filing the NOE with the clerk's office. The attorney trying the case must be available for the hearing.

MISDEMEANOR/TRAFFIC DIVISION 61 – continued

HEARING WEEK:

Various contested matters including suppression motions, written pleas, identity, restitution, etc. are heard during this week. Hearings are also scheduled on Mondays and Fridays of trial weeks, or at other times, as the calendar permits. Attorneys should call well in advance of the Pre-Trial date to schedule any Motions so that they can be heard before the trial. **Adequate time is available for hearings if a timely request is made.** Please do not call a day or two before the trial to schedule Motions as it is unlikely time will be available then. When scheduling a hearing, be prepared to give the JA the following:

- defendant's full name and date of birth
- all case numbers (**including infractions if applicable**)
- the charge(s)
- amount of time needed for the hearing
- title of the Motion
- pre-trial date (or trial date if set)

If a hearing must be cancelled, only the party who set the hearing, or the Judge, can cancel it. *Never cancel a hearing without personally confirming with the JA.* If a motion is resolved or the case dismissed prior to a scheduled hearing, **please call or email the JA to remove the case from the Judge's docket.** Please hold all proposed Orders to present to the Judge at the hearing. Dockets may be viewed on-line by accessing the court's website at www.ninthcircuit.org. **NOTE:** The state is entitled to a minimum of (10) ten days' notice in order to properly secure and serve subpoenas for hearings.

Violations of Probation (VOP): VOP hearings are set on a separate date. Hearings are initially set for a status. If unresolved at the status hearing an evidentiary hearing date will be set for the next VOP date.

PRE-TRIALS:

Pre-Trials are held on Mondays with a two-week trial docket. All attorneys are required to be present unless a notice of conflict has been filed. Private and conflict attorneys are excused from Pre-Trial upon contacting the JA prior to the Pre-trial to receive a trial or plea date **within the trial period** for that Pre-trial. The JA normally will have the trial dates one week prior to the Pre-trial. Defendants who are represented by private counsel are not required to be present. Defendants who are represented by appointed counsel must be present unless a waiver of defendant's appearance has been filed. Pre-trials begin at 1:00 p.m. for TGOA and Public Defender cases. Pre-trials begin at 1:30 p.m. for defendant's represented by private counsel. At Pre-trials, each case is assigned a specific trial date. All trials are scheduled in Courtroom 10-B at 8:30 a.m. unless otherwise noted. Procedures regarding Motions to Continue are to be followed as noted above. Cases set for Pre-Trial may be resolved via a plea at Pre-Trials. If time does not permit the plea will be set for another date and time.

PLEAS:

Agreed upon pleas may be set for any day excluding pre-trial unless the case is scheduled for pre-trial. Please notify the JA via email at least two days prior to the setting of an agreed upon plea so that the case may be added to the docket. Pleas to the court must be coordinated with the State to ensure the State has time to contact any necessary state witnesses.

MISDEMEANOR/TRAFFIC DIVISION 61 – continued

TRIALS:

Unless otherwise noted trial call begins at 8:30 a.m. Please be prepared to announce ready for trial or change of plea when the case is called. If a change of plea will be entered please present a fully prepared and executed plea form **with the agreed upon disposition written on the form.** Pleas will be accepted on the day of trial but trials take precedence. Pleas may have to be re-set if there is a trial in process.

If the attorney will be late or has a matter before another Judge please call the JA and advise what Judge the attorney is set before and how long the matter will take. You may also e-mail the JA at the e-mail address below. Trials will generally begin no later than 10:30 a.m. Matters announced for trial and not reached are initially on stand-by for that day. Attorneys must provide contact information and be available to start the trial within 1-hour of notification via email or phone call from the clerk. Cases on stand-by that are not reached will be rolled to the next available trial day in the trial period. Cases where there has not been a waiver of speedy-trial will take precedence. Other cases will generally proceed based upon the age of the case. **Note: The JA has no information about what occurred in court until the docket for that day is received from the Judge or the clerk.**

AUDIO-VISUAL & INTERPRETERS:

Attorneys must advise the JA via email several days prior to the date of the trial/hearing of any party who is hearing impaired or who requires an interpreter. *Please refer to the disability accommodations procedure below. Attorneys must follow the procedures on the court's website, www.ninthcircuit.org, regarding use of audio-visual equipment for trials or hearings, (click on services and then on technology support), for instructions and forms. Additionally, attorneys must notify the JA via email of the need for AV equipment at least one week in advance of the trial/hearing date.

QUESTIONS:

Please feel free to call the JA, Tanya Randall, if you have any questions regarding any procedures for Division 61. When cancelling any hearings, please confirm with the JA if a previous voice mail was left.

Phone number: 407-836-2257
Fax number: 407-835-5133
Email: ctjatr1@ocnjcc.org

Helpful information for Division 61 and other divisions in the Ninth Circuit can be located on the Ninth Circuit web page at www.ninthcircuit.org.

PLEASE NOTE: These procedures apply to **Judge Allen, Div. 61** only. It is recommended that you refer to the procedure of each Judge or contact the JA in the division for matters in other divisions.

***If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, Human Resources, Orange County Courthouse, 425 N. Orange Avenue, Suite 510, Orlando, Florida, (407) 836-2303, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call**