

Judicial Practices and Procedures

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A. Communications with the Judicial Office

- **Method of Communication:** All communications to the judicial office must be submitted by e-mail to clyana.wint@fljud13.org. The subject line must contain the case number, case name, and relevant matter (e.g., 2024 DR 001234 SC – Doe v. Doe - 2-Hour Hearing Requested).

You may also contact the Judicial Assistant at 813-276-2433. Please note, the Judicial Assistant is not permitted to give you any legal advice.

- **Ex parte Communications:** All communications with the judicial office must comply with Canon 3 of the Code of Judicial Conduct, which prohibits a judge from initiating, permitting, or considering ex parte communications and from considering other communications outside the

presence of the parties concerning a pending or impending proceeding, unless authorized by law. All parties must be copied on any e-mail directed to the judicial office, unless an ex parte communication is authorized by law.

- **Unsolicited Communications:** Unsolicited communications from non-parties will not be considered by the court. Parties may only contact the judicial office in accordance with these practices and procedures
- **E-Filing Portal Contact Information:** All attorneys and self-represented litigants must provide an e-mail address to receive signed orders electronically, unless excused. Fla. R. Gen. Prac. & Jud. Admin. 2.516. It is the responsibility of attorneys and self-represented litigants to update their contact information using Form 2.603 any time there is a change in the e-mail account registered for electronic service.
- **Response to Inquiries:** The Judicial Assistant cannot answer your legal questions, and will not explain your situation to the judge. Your opportunity to speak to the Judge will be in court only. No information regarding any case will be provided to anyone other than the Defendant, ONLY if they are not being represented by an attorney. If the Defendant is represented by counsel, all requests or motions shall be filed and argued by counsel.

B. Scheduling Procedures

- **Court Schedule:** This Division has a bi-weekly trial calendar. On non-trial weeks, the Court holds standard dockets, including arraignments, status hearings/dispositions, motion hearings, competency hearings, and other evidentiary hearings, as needed. Currently, Criminal Division G follows a week on / week off schedule, with one docket week followed by one jury trial week. Pretrial conferences are held on Tuesdays at 8:30 a.m. and jury picks are generally the following Monday at 8:30 a.m.
- **Arraignments:** All Arraignments will be every Monday on our Dispo week at 9:00 am via ZOOM. Private Counsel: If a Notice of Appearance and Waiver of Arraignment is filed, you and your client do not need to attend. The Court will, instead, set a next court date. If there is a waiver of speedy trial, the court will set a disposition/status hearing. If there is no waiver of speedy trial, the court will set a trial date within the speedy trial period.
- **Dispositions:** All Dispositions are IN PERSON.
- **Scheduling Hearings:** Hearings must be requested by e-mail at clyana.wint@fljud13.org copying opposing counsel and any self-represented litigant, to coordinate the scheduling of the hearing. You must include the case number, a copy of the motion, and length of time you are requesting.
- **Notice of Hearing:** A notice of hearing must be filed and served immediately after reserving hearing time by the moving party. All notices of hearing must contain the ADA notification required by Florida Rule of General Practice and Judicial Administration 2.540.

- **Submission Deadlines:** The court must receive all materials for the hearing no later than three (3) business days prior to the hearing.
- **Order of Proceedings:** Parties represented by attorneys will generally be heard first.
- **Cancelling Hearings:** You must cancel hearings by notifying the judicial assistant immediately. You must also immediately file and serve a notice of cancellation on opposing counsel and any self-represented litigant.

C. Remote Appearance

- **Remote Appearance Procedure:** Division A Juvenile Delinquency and Division Z Marchman currently conducts hearings in-person. Delinquency arraignments are the exception and are held via ZOOM.

D. Submission of Orders and Judgments

- **Format:** All proposed orders must be submitted in PDF format. Stipulated orders must be reflected as such in the title or body of the proposed order. If the parties are in disagreement, the proposed order must be accompanied by a cover letter containing a statement identifying any disagreement of the parties as to the proposed order.

Submission Method: Order are shall be uploaded through the E-Filing Portal. If an order is disputed, each party shall submit a marked up Word version of their respective order to JuvDelDivA@fljud13.org, felonydivz@fljud13.org, or clyana.wint@fljud13.org .

- **Deadline for Submissions:** Proposed orders must be submitted within five (3) business days after any hearing.

E. Courtesy Copies of Case Law and Other Documents

- **When Required:** Courtesy copies of case law and any proposed reference materials shall be submitted to the court. The Court frowns upon case law submitted at the hearing when neither the Court nor the parties have had an opportunity to review.
- **Submission Method:** E-mail to clyana.wint@fljud13.org .
- **Deadline for Submissions:** Courtesy copies must be delivered to the court no later than three (3) days before the scheduled hearing.

F. Emergency and Other Urgent Matters

- **Requirements:** If a party believes there is a factual basis for setting an emergency hearing, a

detailed motion setting forth the following must be filed: (1) the issues to be resolved, (2) reasons why an emergency hearing is necessary, and (3) the amount of time needed for each party's presentation.

- **Scheduling:** If the court determines that an emergency exists, a hearing will be scheduled unilaterally by the court. All parties shall make themselves available for the emergency hearing, barring exigent circumstances.

G. Exhibits for Evidentiary Proceedings

- **Format:** Exhibits must be submitted to the clerk of court in paper format, single-sided. All attorneys and self-represented litigants must bring sufficient copies of each exhibit for the clerk, the court, and each party to review during the hearing or trial.
- **Deadline for Submissions:** All exhibits must be received in chambers three (3) business days before the evidentiary proceeding.

H. Pretrial Procedures and Conferences

- **Procedures Relating to Pretrial Procedures and Conferences:** The Defendant must be present at the Pre-Trial Conference. The Defendant's personal presence at the pretrial conference is vital because it gives the Court the opportunity to conduct a colloquy regarding any plea offers from the State and make sure the Defendant is aware of the minimum sentence based on the Criminal Punishment Code scoresheet, the statutory maximum sentence, and any other factors that may affect his exposure to prison and other sanctions.

Without the Defendant's presence, the Court cannot discern the Defendant's understanding of the potential penalties and ascertain a knowing and voluntary choice to proceed with trial.

The Court uses the pretrial conference to assess whether the parties are prepared for trial. The Court queries both parties about any outstanding motions; whether depositions still need to be taken; how many witnesses each side will present; and the number of jurors needed for the panel.

The Court finds it is necessary for the Defendant to personally participate in these proceedings as it is the last opportunity to resolve the case prior to trial and to ensure the Defendant is aware of the status of the case.

I. Setting Case for Trial

- **Notice Period:** Trials will generally be scheduled from arraignment. The court generally does set date-certain trials. Attorneys, self-represented litigants, parties, and witnesses are expected to be available during the entire day.

J. Other Division Procedures

- **ADA Accommodations:** If you need an ADA accommodation, please contact the ADA Coordinator via e-mail ADA@fljud13.org; telephone 1-813-272-7040; hearing impaired 1-800-955-8771; voice impaired 1-800-955-8770; or US Mail Administrative Office of the Courts, Attn.: ADA Coordinator, 800 E. Twiggs Street, Tampa, FL 33602.
- **Interpreter Requests:**
Request interpreter services by emailing: interpreterrequest@fljud13.org or fill out a request form online <https://www.fljud13.org/CourtPrograms/CourtInterpreterCenter/ContactUs.aspx>
- **Motions for Early Termination / Modification of Probation:** Please make sure the Probation Officer is aware of your request before filing a Motion to Early Terminate / Modify Probation.

If you file a probation motion, fill out the form requesting termination / modification of probation and file your motion with the Clerk of Court. The format of the motion along with filing instructions can be found at the Public Defender's website: www.pd13.state.fl.us and the Department of Juvenile Justice website: www.djj.state.fl.us

A copy of the filed motion must be sent to the Probation Officer, the State Attorney and the Judge. A copy of the motion shall be mailed or forwarded via email to the JA at clyana.wint@fljud13.org, while the original motion is filed with the Clerk's Office.

The Court will review these motions in Chambers; therefore, a hearing date does not need to be secured when the motion is filed. Once a response from DJJ (Department of Juvenile Justice) and State are received at the request of the JA, the Court will review and either make a ruling in Chambers or determine that a hearing is necessary. The JA will then reach out to the parties, accordingly. If the Judge determines a hearing on the motion is required, the court will set the matter for hearing.

Motions will be reviewed in Chambers and an Order Granting or Denying will be mailed out to the address provided by the movant.

Motions regarding probation termination or modification will normally be decided within two to three weeks. Please DO NOT call or email our office to ask for a status prior to three weeks after filing.

K. Marchman Division Z

- **Hearings:** All in person hearings will be held in courtroom 30 on Monday afternoon at (1:00pm) and all day Wednesday (8:30am and 1:00pm) dockets.
- **Out of Town Witnesses:** May be allowed to appear via Zoom with prior court approval.
- **Treatment Providers:** All treatment providers may appear by Zoom for all evidentiary hearings.