

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 FelonyDivC@fljud13.org. The subject line must contain the case number, case name, and relevant matter (e.g., 2024-CF-123456 – State v. Doe - 2-Hour Hearing Requested). The email

should also explicitly state whether the opposing party opposes or agrees to the request.

The opposing side **MUST** be copied on the communication, unless authorized by law, or the communication will be deleted and ignored or, in some circumstances, the violator may be subject to sanctions.

Finally, email is not a substitute for a properly filed motion. The Court does not rule on emails.

- ***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 is not authorized to provide legal advice. If the judicial assistant is out of the office, other assistants may cover this Court’s judicial assistant’s duties as deemed necessary by the Court.

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.
- **Scheduling Hearings:** For short hearings (approximately 5 minutes) or routine matters, the hearings may be set by an attorney through an email to the Division’s Deputy Clerk of Court, said email copying both

sides. For longer hearings or complex matters, they should be set through the judicial assistant. Motions and other complex matters are generally heard in the afternoons.

- **Notice of Hearing:** A notice of hearing must be filed and served immediately after reserving hearing time. If the Court has expressly permitted a remote hearing, then the notice of hearing involving any remote appearance must list the judicial Zoom credentials. 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 business days before the hearing.
- **Order of Proceedings:** Matters will be heard in the order they appear on the docket, when they are ready to be heard on that docket, or based on the priority needs of the case, e.g., counsel needing to appear in another Division. The Court may call any case first. All cases should be ready to proceed on the date and time for which they have been set. A defendant given notice and required to appear may be subject to a warrant for failing to appear (often called a *capias*) if the defendant is not present when the case is called.

This Court operates on the date and time set and will often begin before the official start time for any case that is ready early. Parties are well-advised to not be late for court.

- **Continuance Procedure:** Continuances are disfavored and will be granted only upon good cause shown. A request for continuance must be submitted at least five days prior to the scheduled court date. Except for good cause shown, the motion must be signed by the party requesting the continuance, as required by Florida Rule of General Practice and Judicial Administration 2.545(e).
- **Cancelling Hearings:** To cancel a hearing not set by order of the court, you must immediately file and serve a notice of cancellation on opposing counsel and any self-represented litigant. You may NOT cancel hearings set by the Court or by a Court order, or hearings scheduled within 72 hours. If you cancel a hearing, you must notify the judicial assistant immediately.
- **Other Scheduling Procedures:** N/A

C. Remote Appearance

- **Remote Appearance Procedure:** Requests to use communication technology for an appearance must be made by motion. As a general rule, remote appearances are strongly disfavored in criminal proceedings. They are the limited exception, not the rule.

Remote hearings may be employed for non-evidentiary hearings lasting less than 30 minutes. They cannot be done during the regular docket but must be specially set.

- **Platform Used:** The court uses Zoom for remote appearances.
- **Platform Meeting ID#:** 989-1719-4197
- **Zoom Meeting Link:** <https://zoom.us/j/98917194197>
- **Requirements:** Requests for remote appearances must be made at least 10 days in advance of a hearing. The movant must set forth legally sufficient cause to justify use of remote presence technology. Please note that this Division is ill-equipped for hybrid hearings.
- **Technology Needs:** The person appearing by Zoom should be in an appropriate location with good lighting and clear audio. All parties in the courtroom must equip themselves with the necessary cameras and equipment to make the proceeding function effectively.

D. Submission of Orders and Judgments

- **Format:** All proposed orders must be submitted in PDF format, unless the parties disagree with the proposed order, in which case they may be submitted through the Division email in Microsoft Word format. All proposed orders must be accompanied by a cover letter either (1) certifying that all parties agree to the order or (2) containing a statement identifying any disagreement of the parties as to the proposed order.

The only exception is proposed orders that are legally authorized to be entered *ex parte* or *under seal*.

- **Submission Method:** Proposed orders should be submitted through the e-filing portal, if the parties both agree to the proposed order. Otherwise, the proposed order should be emailed to the Division—copying the opposing party—with a cover letter to explain the details and dispute.

- **Deadline for Submissions:** Proposed orders must be submitted within 10 days after any hearing.

E. Courtesy Copies of Case Law and Other Documents

- **When Required:** Courtesy copies of case law, exhibits, or other relevant things may be submitted to the court for any evidentiary proceeding. Case law and legal authority are appreciated. The only exception is where the court expressly asks for courtesy copies to be supplied, in which case they are required.
- **Format:** The Court has no particular preference as to the format, except that electronic submissions are preferred to paper copies.
- **Submission Method:** Email to the Division—copying the opposing party—is the preferred method. If hard copies are submitted, they can be mailed or delivered to chambers.
- **Deadline for Submissions:** Courtesy copies should be delivered to the court no later than three days before any evidentiary proceeding.

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.
- **Other Procedures Relating to Emergency and Other Urgent Matters:** Any matter the parties believe is an emergency must be raised not only by the filing of the motion—*ex parte* or *under seal*, if necessary—but a copy of the motion must be emailed to chambers and may then be supplemented by a call directly to chambers to flag the motion for immediate attention.

G. Exhibits for Evidentiary Proceedings

- **Submission Method:** Evidence should be brought to court pre-marked with exhibit tags stapled or affixed to each exhibit in the upper right-

hand corner. The exhibit marking should track with an exhibit list filed with the Clerk of Court prior to the hearing.

- **Format:** Exhibits must be submitted to the Clerk of Court in paper format. 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. Exhibits must be labeled in the following format: State's Exhibit 1 or Defendant's Exhibit 1.
- **Deadline for Submissions:** Unless otherwise ordered, all exhibits must be brought to the courtroom at the hearing.

H. Pretrial Procedures and Conferences

- **What is a pretrial conference in this Division?** As an initial matter, the term "pretrial conference" as used in Florida Rules of Criminal Procedure 3.180(a)(3) and 3.220(o)(1) refers to any hearing held prior to a trial. However, this Court specifically uses the term "pretrial" to refer to the last hearing scheduled before a jury trial (as distinguished from status, dispositions, or motion hearings).
- The Court finds that the Defendant's personal presence at the pretrial hearing 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 his minimum sentence based on his Criminal Punishment Code scoresheet, any applicable mandatory minimum sentence, his statutory maximum sentence, and any other factors which would affect his exposure to prison and other sanctions. Without his presence, the Court cannot discern the defendant's understanding of the potential penalties and ascertain that he is knowingly and voluntarily choosing to proceed to trial. Further, the Court uses the pretrial conference hearing 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. **The personal in-person presence of the Defendant is required at all Pretrial Conferences as this Division employs the term. Their presence MAY NOT be waived without an express order of this court.**
- **Arraignments:** All Arraignments, both in custody and out of custody, will be every other Thursday during docket weeks at 1:30pm IN PERSON.

- However, for attorneys, 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 status conference. If there is no waiver of speedy trial, the court will set a pretrial conference and trial date within the speedy trial period.
- **Case Management Conference:** The Court formally employs Case Management Conferences in complex or highly sophisticated cases, such as certain death penalty cases, RICO cases, cases with an unusually large number of defendants, or cases involving unusually complex issues.
- **Status Conference:** Status conferences are the routine hearings through which this court manages cases normally. Any party may request a status conference when a case requires.
- **Disposition:** Disposition hearings are how the court generally refers to changes of plea.
- **Violation of Probation Hearings:** The Court generally sets VOP evidentiary hearings on the afternoon of its Pretrial Conference dockets unless specifically and specially set by the Court.

I. Setting Case for Trial

- **Procedure:** The Court will set the case for trial at either a status conference, case management conference, or, most commonly, at arraignment. All cases will be set within the speedy trial period, absent a waiver of speedy trial or other special legal circumstances.
- **Notice Period:** The Division employs trial weeks. Parties should compel necessary witnesses to attend on the Monday of trial weeks. Trials may commence on any day during the given trial week. The court may occasionally employ back-up trial weeks. If a back-up trial week is ordered, the parties should also compel the witnesses' attendance for that week as well as the primary week.

J. Forms

- **Access:** There are presently no forms unique to this Division.

K. Other Division Procedures

- **ADA Accommodations:** If you need an ADA accommodation, please contact the Circuit ADA Coordinator.
- **Interpreter Requests:** The parties are responsible for contact and securing the necessary interpreters. This is a due process division. The steps to secure interpreters must be done with enough time to procure enough of them. At least two are required for a trial with one foreign language speaker to give each other breaks, etc. Please be mindful of the practical details.
- **Motions for Early Termination/Modification of Probation:** Please fill out the form requesting termination/modification of probation and submit the motion to the Clerk's Office. You must send a copy to the Judge to be reviewed. Motions to Terminate will be reviewed in chambers. An Order granting, denying, or setting the matter for hearing will be mailed out to the Defendant. PLEASE ALLOW 2-3 WEEKS FOR A DECISION FROM THE JUDGE.