

## **STANDING PRETRIAL ORDER FOR COUNTY CRIMINAL DIVISION C**

The court enters this Pretrial Order, which, consistent with all relevant rules of procedure and Administrative Order S-2025-012, governs practice in this Division. In an effort to promote uniformity, consistency and professionalism within the division, the Court hereby enters this Pretrial Order, which shall, govern the manner and methods by which attorneys shall practice in this Court. For good cause shown, this Court may modify or waive these procedures on an individual basis.

### **ARRAIGNMENTS:**

If a written plea of not guilty is filed with a request for a disposition date, a waiver of Speedy trial **must** be filed otherwise the case will be set for pretrial and trial. Motions to continue will not be considered at a pretrial hearing. See additional requirements under Motion to Continue.

### **DISPOSITION HEARINGS:**

1. The parties are expected to attend disposition hearings. If an attorney has a conflict, the attorney should arrange coverage by another attorney or submit a Request for New Trial Date. The request forms are available electronically via email or in the courtroom. A failure to appear or to request a new court date will result in the case being set for trial and may result in a warrant being issued for the arrest of the defendant.
2. Absent extraordinary circumstances, no more than **3** disposition hearings are allowed. This number includes any hearings missed due to a conflict and to any dispositions which took place prior to counsel's Notice of Appearance.
3. Clients must be present at any and all Motion hearings, except Motions to Seal or Expunge.

### **MOTION PROCEDURES:**

Any and all motions, including but not limited to Motions in Limine, Motions to Continue, Motions to take Depositions, Motions to Dismiss, Motions to Withdraw and Motions to Suppress, must be filed and heard prior to pretrial conference.

All motions shall contain the facts and law which form the basis for the relief sought. All motions not filed and heard prior to the pretrial conference are hereby deemed waived and abandoned and thus will not be heard, absent a written order from this Court. Stipulated agreements regarding motion scheduling between the parties, without a written order from this Court **are void** and will not be considered. See Powell v. Baten, 717 So.2d 1050 (Fla. 5<sup>th</sup> DCA 1998); Clark v. state, 2008 WL 2435756 (Fla. 4<sup>th</sup> DCA 2008).

As a courtesy to the Court and your colleagues, a party should notify the Judicial Assistant as soon as possible, by telephone or email that a hearing is to be cancelled.

An emergency motion shall be filed as soon as possible and a copy provided to the court sufficiently in advance of the hearing to afford the Court adequate time to review the motion and/or any cases or statutes in support of the motion, prior to the hearing.

1. Motions must be heard prior to the trial date in accordance with Section 7 of Administrative Order S-2025-012. **Motions must be filed at least 5 days prior to the Pre Trial conference.** Dates are available weekly to argue those motions and they will be heard on the motion dates, not on the trial dates. All motions filed to be heard on the non-jury or jury trial dates are hereby stricken, absent a written order from this Court. Without the Court's written order, there is no duty upon the State Attorney to subpoena witnesses for a Motion to Suppress the morning of a jury trial.
2. **Case Law:** All cases, statutes, rules or other citations of authority a party wishes the court to consider should be provided to the court and opposing counsel at least five (5) business days prior to the hearing date. Cases and other citations will be cited in the motion. The Court will not consider cases provided for the first time at the hearing.
3. Surprise tactics such as handing a motion and accompanying case law to opposing counsel at the hearing are strongly discouraged by this Court. Similarly, other surprise tactics such as presenting case law not cited in the motion, filing ambiguous motions then handing case law to opposing counsel without giving opposing counsel an opportunity to review and research legal issues are likewise discouraged.
4. No motion, other than a legitimate emergency motion will be set for a hearing unless the motion is electronically filed with the clerk and emailed to the Judicial Assistant prior to contacting the Judicial Assistant for a hearing date and time. We must receive a copy.

#### **MOTION FOR CONTINUANCE:**

1. Motion to continue in custody defendants must be filed at least 48 hours prior to the court date in order to cancel their jail transport. Otherwise, the attorney of record must appear in court.
2. Any motion for continuance shall state whether any prior motion for continuance has been filed and shall, as with any other motion, be in writing and be set and heard prior to the trial date.
3. Stipulated Continuances **are not** considered by the Court.

4. Any continuance granted after the pretrial conference will be governed by the Florida Rule of Criminal procedure 3.190(f) and will be granted only upon written motion and a finding of good cause.

#### **DISCOVERY MOTIONS AND MOTIONS IN LIMINE:**

1. All motions in limine and all motions pertaining to discovery disputes shall contain a statement by the moving party that a **good faith** attempt to resolve the matter without Court involvement has been made and shall describe the manner in which the attempt was made.
2. Motions to compel discovery should be filed within 10 days after the date the discovery is due. Motions to compel more adequate responses to discovery should be filed within 10 days of receipt of the alleged incomplete discovery. Lack of diligence in pursuing remedies for discovery violations will be considered in determining whether to impose sanctions or what sanction is appropriate, including whether to grant a continuance or to which party a continuance should be charged.

#### **PLEAS:**

Negotiated pleas are not accepted on the day of trial. Negotiated pleas must be accepted and entered at arraignment, the disposition hearing or the pretrial conference. If an emergency prevents compliance with the above requirements, the plea offer may be accepted in writing via email to the Court, with copies to all parties, by 12 p.m. the Friday before the trial. This notice may be provided by either the State or the Defense as agreed by the parties. Pleas entered on the day of trial will be open.

#### **PRETRIAL CONFERENCE AND TRIAL**

##### **CLIENT'S PRESENCE:**

The defendant must be present **at all** pretrial conference hearings, unless the defendant has signed and filed a written Waiver of Appearance Form. In certain circumstances the Court may require the appearance of a defendant at the pretrial conference regardless of whether a written waiver has been previously filed. By agreeing at the pre-trial conference that a case is ready for jury trial, the parties represent to the court:

- a. The attorneys are fully prepared for trial.
- b. The witnesses expected to testify at the trial have been interviewed, if desired, and will be present.
- c. All discovery is complete and all pre-trial motions have been considered and resolved.

- d. The court expects all parties to be prepared and ready for trial on the morning of the trial date. Defendants should be present inside the courtroom when the docket is called and should not be waiting outside the courtroom. Defendants who are late on trial morning should expect the issuance of a no bond warrant.
- e. Motions to continue will not be considered unless there is a good cause.

**ORDERS:**

**Proposed orders in cases in which all parties are represented by counsel shall be submitted through JAWS as a PDF and also emailed to the Court as a Word Document.**

Amended on April 8, 2025.

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Judge Miriam Valkenburg  
County Criminal, Div. C