

CRIMINAL DIVISION CC-C

**POLICIES, PROCEDURES AND EXPECTATIONS FOR COUNTY
CRIMINAL, Courtroom 409**

Judge Michael I. Bateh
Effective December 31, 2023

1. Calendar calls:

The morning calendar starts promptly at 9:00 a.m. each day. The afternoon calendar (if there is one) starts promptly at 1:30 p.m.

2. Calling of cases on the Calendar:

The assigned ASA is generally responsible for calling cases on the calendar. Defense counsel should let the ASA know when counsel is ready to have the case called.

3. Priority to private counsel and Interpreters:

The Court gives priority to cases involving private counsel and cases involving the need for an interpreter. If private counsel has a case needing an interpreter, counsel should arrive at the courtroom as close to 9:00 as possible. Court interpreters have multiple courtrooms requiring their assistance, and they should not be left waiting for defense counsel in any one courtroom.

4. Inmates:

If counsel has an incarcerated defendant, counsel should notify the uniformed bailiff of the name of the inmate and the need to have that inmate ready for his appearance before the case is called.

5. Communication between counsel during Calendar Call:

The Court will permit only a brief discussion with the assigned ASA before a case is called. The Court does not permit protracted conversations with the ASA during the calendar call.

6. Cell Phones muted:

All cell phones must be on mute while in the courtroom.

7. Conference Rooms:

Conference rooms are available just outside the entrance to CR 409 for attorneys to use for discussions with clients and/or opposing counsel. The Court will not permit protracted conversations in the courtroom between counsel or their clients during calendar call.

8. Remaining at Podium:

Because County courtrooms typically use digital court reporters, it is important for counsel to remain at the podium and speak into the microphone during calendar calls and hearings.

9. Weekly Schedule:

The typical court schedule from criminal weeks is as follows:

-Mondays: Morning calendar only. Arraignments, pre-trial hearings, dispositions.

Jury selection will generally occur at 10:30 a.m. on Monday, and if necessary, at 1:30 p.m.

-Tuesdays: Morning (9:00) and afternoon (1:30) calendars (as needed). Arraignments, pre-trial hearings, dispositions. The afternoon calendar is generally for PD cases, but private counsel can request afternoon pass dates as well.

-Wednesdays: Morning calendar call for arraignments, pre-trial hearings, and dispositions. Afternoons are generally reserved for motion hearings and bench trials (Motions to Suppress,

Motions to Dismiss, motions relating to pre-trial release, sentencing hearings involving testimony, etc.).

-Thursdays: Morning calendar call for arraignments, pre-trial hearings, and dispositions. Calendars for this day are generally short, and typically involve mostly cases passed from earlier in the week. Afternoons are generally reserved for motion hearings and bench trials (Motions to Suppress, Motions to Dismiss, motions relating to pre-trial release, sentencing hearings involving testimony, etc.).

-Fridays: Reserved for jury trials and hearings, if necessary. In the event a calendar is set, it will be morning only.

10. Side Bar Conferences:

The court does allow side bar conferences during calendar call but asks that these be kept to a minimum. Typical reasons for a sidebar during calendar call would be to (a) discuss the status of plea negotiations; (b) discuss mental health issues involving the defendant; (c) discuss scheduling conflicts due to personal reasons; (d) discuss disposition of VOP cases.

11. Arraignments:

At arraignment, the State should be prepared to advise the Court of (a) the State's offer, if one is to be made; (b) the speedy trial date; (c) the status of discovery.

12. Motion Deadline

All Trial Motions must be filed one (1) week prior to the Final Pre-trial date. All dates will be provided by the Court. Absent unusual circumstances, no Motions will be considered if filed after the Motion Deadline date.

13. Final Pre-Trial Conferences:

In the event the Court schedules a final pre-trial on a case, that date represents the deadline for plea negotiations between the parties. Absent unusual circumstances, no plea agreements will be accepted by the Court after the Final-Pretrial Conference. The Defendant must be physically present for the final pre-trial conference.

14. Ex Parte Motions:

Should defense counsel file any routine motions which can be resolved without the need for a hearing (i.e., modification of pre-trial release conditions, re-setting of a court date, request for depositions, etc.), the motion must indicate that the assigned ASA has been contacted regarding the motion and must state the ASA's position on the relief requested.

15. Motions for Authorization to take Depositions:

Should defense counsel wish to undertake depositions in a case, a motion requesting authorization should be filed as early in the case as possible. Delays in filing deposition motions may decrease the likelihood of the motion being granted.

16. Use of ZOOM:

The Court, with appropriate notice, will allow appearance via ZOOM, pursuant to Florida Rules of Criminal Procedure 3.116 "Use of Communication Technology". Absent Court Order, the Court does not permit the use of ZOOM for disposition hearings involving an adjudication of guilt; for evidentiary hearings; or for trial.

-Judge Michael Bateh