

Judge James Nealis

County Court Division E

Duval County Unified Courthouse
501 West Adams Street, Suite 7164
Jacksonville, Florida 32202

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Criminal Procedures

Effective: January 1, 2024

- 1) Court will start promptly at 9:00a.m. (unless notified of a different time). All attorneys shall be available and prepared to handle their assigned cases as called by the court. All appearances shall be presumed to be in person.
- 2) Judge Nealis will announce the cases to be called during the morning docket.
- 3) For private counsel, conflict counsel, and RCC, cases may be called out of order to accommodate the attorneys' needed presence in other courtrooms before other judges. For cases which require an interpreter, those cases may be called out of order as well to accommodate the interpreter's needed presence in other courtrooms. Those attorneys have the responsibility to timely notify the courtroom bailiffs of the needed presence of an inmate, once both attorneys are available and ready for the case to be called. You may not request the defendant and have him/her placed in a holding cell, while you await the arrival of opposing counsel.
- 4) There shall be NO TALKING in the courtroom while courtroom proceedings are in progress unless a recess has been called. Conference rooms are available to conduct any negotiations or discussions with opposing counsel, or discussions with out-of-custody defendants or witnesses. Conversations between or amongst attorneys and/or defendants and victims must be conducted outside of the courtroom to minimize noise and maintain the required decorum. Conversations with defendants, if detained, must have occurred prior to the defendant being brought into the courtroom, unless specifically authorized otherwise by the Court.
- 5) All telephones are to be set on silent. Ringing telephones shall result in your removal from the courtroom. There will be no recording of the proceedings. Requests for recording by the media shall be made in writing prior to the proceeding and shall be approved prior to the beginning of the proceeding. If requests are made by multiple media outlets, the Court will direct the placement of a pool camera and pool microphone prior to the beginning of the proceedings.
- 6) If there are any in-custody defendants who are creating a disturbance or acting out prior to being called, please notify the Court. These inmates may be called out of order in an effort to minimize/eliminate further disruption of courtroom proceedings.

- 7) If there are any out-of-custody defendants who are not represented by counsel, he/she may be called earlier and out of order so to provide the defendant with the Affidavit of Indigency for completion, and for a determination on whether or not he/she qualifies for the appointment of the Public Defender, and if an appointment is then made, for time to consult with the Public Defender prior to arraignment or plea.
- 8) Defense counsel shall not waive the presence of any in-custody defendant, who has been transported to the courthouse from the jail, without prior approval of the Court absent good cause. Any waivers of appearance of the defendant shall be in writing and filed with the clerk. However, there shall be no waiver of defendant's appearance at the final pretrial conference, at any critical stage in the proceeding in which, if Defendant is not present, may result in more delays in their case, or after the Court declares the need for Defendant to be present. These hearings require the scheduling and setting of a date certain for trial or after the Court declares the need for the Defendant to be present in court.
- 9) Speak clearly and loudly into the microphone at each podium to assure that the Court reporter, opposing counsel, the defendant and this Court can hear you. Do not move or remove the microphone from the podium.
- 10) Side bar conferences during the docket are discouraged and shall be kept to a minimum and are at the Court's discretion.
- 11) At Arraignment, the State shall be prepared to advise the Court of the following:
 - a. Whether an information has been filed.
 - b. The State offer, if one has been made and if the State has complied with Marcy's law.
 - c. Whether discovery has already been provided, and if not, the reason why it has not already been provided; and Any defense counteroffers made, and rejected by the State.
 - d. The speedy trial date.
- 12) After arraignment the Court shall pass the case, at the Court's discretion. Intervening PT conferences or hearings on any motions may be scheduled if needed. A Final Pre-Trial (FPT) conference shall be scheduled in each case which has been scheduled for jury selection.
- 13) Once a case is set for trial, this Court shall distribute a written Trial Order by which all parties shall abide.
- 14) At the final pre-trial conference, the defendant shall be present (there shall be no waiver of Defendant's appearance at FPT), as well as the attorney(s) who are to try the case. Counsel for each party shall be prepared to report the following:
 - a. Whether each party is ready for trial;
 - b. Any State offers made, and rejected by the defendant;
 - c. Any defense counteroffers made, and rejected by the State;
 - d. The number of jury panelists needed for jury selection;
 - e. The estimated length of the total trial;
 - f. Any date/time restrictions in scheduling due to witnesses or attorneys;
 - g. Whether an interpreter or any other accommodation will be necessary; and

- h. Whether there are any outstanding motions, late disclosed witnesses or evidence requiring a Richardson hearing.
- 15) In the event of the entry of a plea by a defendant, either to a negotiated disposition or straight up/open plea to the Court, the State shall be prepared to report on the following if asked to do so by the Court:
 - a. any minimum and maximum sentences, as charged in the Information; and
 - b. the factual basis for the plea.
 - 16) If an attorney wishes to add, remove, or pass a case to another scheduled date, that attorney shall consult with opposing counsel about same. The moving party shall then notify the Court's judicial assistant VIA EMAIL at Sshoup@coj.net (cc'ing opposing counsel) NO LATER THAN 72 HOURS PRIOR TO THE REQUESTED DATE. These requests must be received by the court and ruled upon prior to the scheduled court date. Each party shall expect to be present on the date scheduled unless notified by the Court in writing of the schedule change.
 17. If an attorney wishes to effectuate an "in court add-on" of another case not on the docket, the attorney shall notify the Deputy Clerk of Court before the Judge takes the bench or prior to the case being called, so as to allow sufficient time for the necessary paperwork to be prepared by the clerk. "In court add-ons" should not occur with frequency and shall be kept to a minimum, and shall be subject to Court approval.
 18. All persons entering Courtroom 404 shall conduct themselves professionally.