



FELONY DIVISION CR-B

GUN VIOLENCE OFFENDER COURT POLICIES AND PROCEDURES

JUDGE LONDON M. KITE

SYLVIA WILK, JUDICIAL ASSISTANT

SKWILK@COJ.NET--(904) 255-1264

COURT INFORMATION—COURTROOM 308

I. GENERAL INFORMATION AND SCHEDULING

A. Gun Violence Offender Court (GVOC)

[Administrative Order No. 2024-13](#)

Pursuant to Administrative Order 2024-13, Felony Division CR-B is designated as the Gun Violence Offender Court (GVOC). Refer to Administrative Order No. 2024-13 for more information regarding GVOC.

B. Court's Calendar

- Court begins at 9:00 a.m.

C. Remote Appearances

With appropriate notice, the Court will allow appearances via Zoom pursuant to "Use of Communication Technology," Florida Rules of Criminal Procedure 3.116. To obtain Zoom information, please contact Sylvia Wilk, Judicial Assistant.

C. Requests to Add or Remove Cases from the Calendar

1. Preferred Method

The preferred method for adding or removing a case from the calendar is to do so **at least two (2) days** in advance of the scheduled court date.

2. Emergency Requests

The Court considers requests for adding or removing a case **within twenty-four (24) hours** of the scheduled court date as an **emergency request**.

If the request is an Emergency Request, a correspondence with Ms. Wilk **SHALL** clearly state that it is an **“Emergency Request.”**

All requests to add or remove a case from the Court’s calendar **MUST BE SUBMITTED BY 2:00 P.M.**

Emergency requests should be kept to a minimum. The purpose of this procedure is based on the following considerations.

- Members of the Duval County Clerk’s Office and the Jacksonville Sheriff’s Office corrections need time to process requests.
- If the request is received later than 2:00 p.m., it puts an undue strain on the agencies listed above. Some considerations include that paperwork and calendars are printed and distributed the day before court. Last-minute requests to add or remove cases can disrupt the judicial process.
- **Parties that have consistently disregarded this procedure may be required to attend a meeting with the Court and other agencies for education purposes at a time chosen by the Court.**

II. COURTROOM RULES

The public is welcome in the courtroom, and all court proceedings are open to attend, regardless of whether you are a participant. However, for security and decorum, the rules must be followed at all times. Below, there are additional considerations for participants in the judicial system and are explained below:

A. Attorneys

The Court recognizes that attorneys need to communicate during court proceedings to handle legal matters. However, any prolonged conversations should be conducted outside of the courtroom to prevent distraction from the proceedings.

B. Cellphone Policies for Public

Members of the public **must refrain from using cellphones** inside the courtroom. For security purposes, all cellphones must be powered off while in court. Members of the media have specific rules for recording court proceedings. Additionally, attorneys must comply with the rules of the Florida Bar and use their phones only for work purposes.

C. Media

Please review the media Administrative Order No. 2023-03 Media & Technological Coverage of Judicial Proceedings, Including Cases of Extraordinary Public Interest—see the following link:

<https://www.duvalclerk.com/adminOrders/files/update/2023-03-BBE90C26-D0CD-4021-82A1-CC7C9A39286B.pdf?n=1527&t=638388388213364904>

III. HEARING TYPES

A. Arraignments

1. Assistant State Attorneys (ASAs)

- a. Arraignment Information—At arraignment, ASAs must be prepared to provide the Court and Defendant with the following information.
 - (i) Guideline/Scoresheet points and the lowest permissible sentence and the maximum possible sentence
 - (ii) Any enhancements, minimum mandatory sentences, or mandatory minimum sentences
 - (iii) State offer (if any)
 - (iv) Discovery and the number of Category A witnesses

2. Defense Attorneys

- a. All Defendants must be present at Arraignment unless a Plea of Not Guilty and Waiver of Appearance have been filed pursuant to Rule 3.180, Florida Rules of Criminal Procedure.
- b. If the case is set for an arraignment and the attorney has filed Plea of Not Guilty and Waiver of Appearance, it **is the responsibility of the defense attorney to forward the documents to the court and request a court date at least three (3) days before the Arraignment hearing.**

B. Case Management Hearings

1. The Court will enter a Case Management Order. The parties **shall comply** with the order.

If a party fails to comply with any term of the order, it is the duty of the opposing party to request a court date within five (5) days of the noncompliance.

2. **The Court will set case management hearings as necessary.**

C. Hearings on Motions

1. **Motions**—Please send a courtesy copy to the Court of all motions to the Court.

It is important to note that the Clerk of Court does not send copies of motions to the Court. The motion and any supporting authority can be emailed to the Court, with the opposing party copied on the email, at SKWilk@coj.net, or it can be delivered in person to the Court.

2. **Scheduling**—Generally, hearings on any motions will be scheduled for later in the week, which depends on the Court's trial schedule, typically on Mondays.
3. **Time**—The parties should inform the Court of the number of witnesses and the anticipated length of time for the hearing. Any changes to the estimate must be communicated to the Court to allow the shift in schedule if needed

D. Pleas and Other Forms

1. **Pleas**—All pleas must be in writing, and the appropriate plea forms must be completed for the Court to review. Plea forms can be found at

<https://www.jud4.org/court-administration/felony-plea-forms>.

- a. The State and Defense must document all conditions and expectations of the plea on the form and record at the time of the plea. The form should clearly reflect the full scope of the case's disposition.
 - (i) The defense attorney shall read and review the plea form with the Defendant before calling the case for a plea colloquy with the Court.
- b. The State shall be prepared to report on the following:
 - (i) Any minimum and maximum sentences, as charged in the Information or Indictment.
 - (ii) The factual basis for the plea.
 - (iii) Whether or not the alleged victim agrees with the disposition.
 - (iv) Any exonerating DNA or lack thereof.
- c. A deferred sentence imposition date or a furlough, such an agreement shall be first approved by the Court.

2. **Waiver of Speedy Trial**—All waivers of speedy trial must be in writing. Waiver of Speedy Trial forms can be found at the following link:

<https://www.jud4.org/court-administration/felony-plea-forms>

3. **Admission of Violation of Probation or Community Control**—All admissions of violations of probation or community control.

- a. The State and Defense shall document all the conditions and expectations of the admission on the form and on the record at the time of the admission. The form shall reflect the full scope of the disposition in the case, and **the conditions Defendant is specifically admitting to must be documented on the form.**
 - (i) The defense attorney shall read and review the admission form with the Defendant before calling the case for an admission colloquy with the Court.
- b. The State shall be prepared to report on the following:
 - (i) Guidelines, whether there were additional points added to the score sheet for new law violations, or if Defendant was scored as a Violent Felony Offender of Special Concern, and any minimum and maximum sentences.
 - (ii) The factual basis for the plea.
 - (iii) Any exonerating DNA or lack thereof.

4. **Pleas on Sex Cases**

- a. **Pleas**—All sex case pleas must be in writing and the appropriate plea forms must be completed for the Court to review. Plea forms can be found at the following link:

<https://www.jud4.org/court-administration/felony-plea-forms>

- (i) The State and Defense shall document all the conditions and expectations of the plea on the form and on the record at the time of the plea. The form shall reflect the full scope of the disposition in the case.

- (ii) the Defense attorney shall read and review the plea form with the Defendant before calling the case for a plea colloquy with the Court.
- b. The State shall be prepared to report on the following:
 - (i) Any minimum and maximum sentences, as charged in the Information or Indictment.
 - (ii) The factual basis for the plea.
 - (iii) Whether or not the alleged victim agrees with the disposition.
 - (iv) Any exonerating DNA or lack thereof.
 - (v) The State must inform whether the plea will result in the designation of the Defendant as a Sexual Offender or Predator.
- c. The State and Defense **shall notify** the Court if there are sensitive issues related to the plea or case that will require a **special set for the plea**. The State shall ensure that they have informed the listed victim or guardian of Marsy's law and any rape shield provisions of section 794, Florida Statutes, that apply to the case. If the case is called during the normal calendar, the Court will assume that the alleged victim or guardian has been informed and has waived any protections provided by law.
- d. Pleas that Involve Sex Offender probation
 - (i) Defense shall inform the Defendant of all general and special conditions of probation. If there is an agreement to non-statutory requirements of probation, it **must be initialed by the Defendant and specifically reference that the Defendant agrees to the condition as a part of the negotiated agreement**.
- e. Court Costs and Surcharges

- (i) All surcharges must be reviewed with the Defendant and verified that the surcharge applies to the case before the plea. **The attorneys are responsible for reviewing the statute and determining the applicable court costs and surcharges for the case.**

5. **Final Pre-Trials**

- 1. The attorneys who are trying the case shall be present.
- 2. The Defendant **shall** be present.
- 3. Counsel for each party shall be prepared to report the following information:
 - a. Whether each party is ready for trial.
 - b. any state offers that were made to Defendant and rejection (if any).
 - c. any defense offers made, and rejected by the State (if any).
 - d. request for the number of jury panelists needed for jury selection.
 - e. the estimated length of trial days (not including jury selection).
 - f. any date/time restrictions in scheduling due to witnesses or attorneys.
 - g. whether an interpreter or any other accommodation will be necessary.
 - h. whether there are any outstanding motions or evidentiary issues.

G. Jury Selection and Trials

1. Jury Selections and Trials will start at 10:30 a.m. The case will appear on the 9:00 a.m. calendar with a note regarding the start time.
2. Parties should arrive at least ten (10) minutes prior to the jury selection or trial start time.
3. For multiple jury selections and trials, all parties must be present for the entire jury selection. Generally, the trial scheduled for earlier in the week will be selected first when choosing the jury.