



FELONY DIVISION CR-B

POLICIES AND PROCEDURES

JUDGE LONDON M. KITE

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I. COURT INFORMATION—COURTROOM 308

A. Calendar Start Time

1. Generally, Court begins at 9:00 a.m.
2. Differing start times will be communicated by email. If you have questions related to start times, contact Sylvia Wilk, before the court date.

B. Chambers

1. Chambers are held at the discretion of the Court.
2. Chambers are held from 8:30 a.m. to 9:00 a.m. for scheduling purposes only.
3. Both sides must be present to discuss a case in chambers. No substantive issues shall be discussed in chambers. However, issues that would require a sidebar conference, such as mental health, cooperation, or other sensitive matters may be discussed with both sides present.
4. Cases can be passed in chambers by the agreement of both parties. If there is an agreement by both sides the pass date will be placed on the record by the Court and the attorneys can be excused. **If the case is passed in chambers, the attorneys are responsible for notifying the appropriate parties of the next court date.**

C. Weekly Court Schedule—Hearing Types

<u>Monday</u>	<u>Tuesday</u>	<u>Wednesday</u>	<u>Thursday</u>	<u>Friday</u>
Arraignments	Arraignments	Arraignments	Arraignments	Trials
Final Pre-trials	Appearance on Violation of Probation or Community Control	Appearance on Violation of Probation or Community Control	Appearance on Violation of Probation or Community Control	Hearings
Hearings ○ scheduling only				
Jury Selections	Pre-trials	Pre-trials	Pre-trials	
	Trials	Trials	Trials	
	Hearings	Hearings	Hearings	

II. 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 lowest permissible sentence and 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. Pre-trials

1. **Intervening Court Dates** shall be scheduled by the Court to determine the status of the case.
2. **Discovery**
 - a. **Depositions**: If depositions are not properly noticed by opposing counsel **ten (10) days** prior to the date communicated to the Court on the record, then the opposing party shall add the case to the calendar to address the matter with the Court. The attorneys shall not wait until the next court date to bring it to the Court's attention.
 - b. **Non-Appearance of Witnesses**: If there are issues with witnesses appearing for depositions, it must be brought to the Court's attention early in the process.
3. **Waivers of Appearance** shall be filed in writing prior to the court date and are generally accepted by the Court. A prerequisite to the Court accepting the waiver of appearance is that defense counsel shall have good contact with a client. A waiver of appearance is not acceptable at a final pretrial hearing.

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 authority can be emailed to the Court with the opposing party copied on the email to SKWilk@coj.net or it can be delivered in Court.
2. **Scheduling**—Generally, hearings on any motions will be scheduled on Monday for later in the week which depends on the Court's trial schedule.
3. **Time**—The parties should inform the Court of the number of witnesses and length of time anticipated 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/Top-Navigation/Court-Administration/Felony-Plea-Forms.aspx>.
 - a. The State and Defense shall document all of 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.
 - (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 <https://www.jud4.org/Top-Navigation/Court-Administration/Felony-Plea-Forms.aspx>.
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 of 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 <https://www.jud4.org/Top-Navigation/Court-Administration/Felony-Plea-Forms.aspx>.

(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) State must inform whether the plea will result in the designation of Defendant being designated 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 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 Defendant** and **specifically referenced** that Defendant agrees to the condition as a part of the negotiated agreement.
- e. Court Costs and Surcharges
 - (i) All surcharges must be reviewed with Defendant and verified that the surcharge applies to the case before the plea. **The attorneys are responsible for reviewing the statute and determining the appropriate court costs and surcharges that apply to the case.**

E. Requests to Add or Remove Cases from the Calendar

1. **Requests Days in Advance**—the preferred method of requests to add or remove a case from the calendar should be days in advance. Attorneys are responsible for alerting the Court of all related and filed pending cases.
2. **Following Day Requests**—All requests to add or remove a case from the Court's calendar must be submitted by 2:00 p.m. The deputy clerks and the Jacksonville Sheriff's Office corrections need time to process requests. If the requests are received later than 2:00 p.m. puts an undue strain on the agencies listed above. Attorneys are responsible for alerting the Court of all related and filed pending cases.
3. **In Court**—All requests to add cases to the calendar in court should be avoided. However, if the deputy clerk has the proper documentation to add the case, then the Court can approve the request. Attorneys are responsible for alerting the Court of all related and filed pending cases.

F. 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;
 - (i) all motions for continuance shall be filed in writing.
 - 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 earlier in the week will go first when selecting the jury.

H. Zoom Appearances

1. 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.

III. COURTROOM RULES

A. Attorneys

The Court understands that it is important for the attorneys to communicate during court proceedings to conduct legal business. However, it is important that any extended conversations not occur in court to distract from the proceedings. The parties should excuse themselves to the hallway or anterooms if extended conversations are necessary. Attorneys should avoid any behavior that would detract from the proceedings.

B. Defendants

1. Defendants shall be prompt for court. Please reference the start times above for general information.
2. Dress appropriately for Court.
3. The Court sets a strict no cellphone policy. For security and decorum, all cell phones must be powered off during court proceedings.
4. Communicate with your counsel about court proceedings and stay in contact with your counsel. The knowledge of court dates and appearance requirements are the responsibility of the Defendant.

C. Victims of Crime

All victims of crime or next of kin may attend any court proceeding pursuant to Marsy's law. Dress appropriately for Court and observe the strict no cell phone policy.

D. 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>

E. Public

Court proceedings are open to the public, however when attending proceedings all court rules must be observed at all times.