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# FELONY DIVISION CR-B

## POLICIES AND PROCEDURES—2025

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**JUDGE LONDON M. KITE**

**SYLVIA WILK, JUDICIAL ASSISTANT**

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### **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.
- From June to August, Court begins at 9:30 a.m.

##### **C. Remote Appearances**

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

#### **D. 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** before 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, the written request to Ms. Wilk **MUST** 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 all requests.
- If the request is received later than 2:00 p.m., it puts an undue strain on the agencies listed above because, among other reasons, paperwork and calendars are printed and distributed the day before court. Last-minute requests to add or remove cases disrupt the judicial process.
- **Parties that have consistently disregarded this procedure may be required to meet 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 requirements for participants in the judicial system:

**A. Attorneys**

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

**B. Cellphone Policies for the Public**

Members of the public **are prohibited 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, In Re: 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)

ASAs must be prepared to provide the following information:

- a. Guideline/Scoresheet points, the lowest permissible sentence, and the maximum possible sentence;
- b. any enhancements, minimum mandatory sentences, or mandatory minimum sentences;
- c. State offer (if applicable); and
- d. 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 Florida Rule of Criminal Procedure 3.180.
- 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.**
  - If there is no Arraignment court appearance and the case is passed to the requested date, the State must provide a written notice with the information listed above and serve it on the defendant.
  - A courtesy copy of the information provided must be forwarded to the Court.

## **B. Case Management Hearings**

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

If a party does not comply with any terms of the Order, **it is the duty of the opposing party** to request a court date **within five (5) days** of the violation.

2. **The Court will schedule Case Management Hearings as needed.**

## **C. Hearings on Motions**

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

The Clerk of Court does not send copies of motions to the Court. Email the motion and any authority to the Court and copy the opposing party on the email. The motion must be emailed to [SKWilk@coj.net](mailto:SKWilk@coj.net) or delivered to the Court.

2. **Scheduling**—Generally, hearings on any motions will be scheduled for a specific date and time later in the week.
3. **Time**—The parties should inform the Court of the number of witnesses and the anticipated length of time for the hearing.

## **D. Final Pre-Trials**

1. The attorneys who are trying the case **must** be present.
2. The defendant **must** be present.
3. Counsel for each party must be prepared to report the following information:
  - a. whether each party is ready for trial;
  - b. any state offers that were made to the defendant and any rejection;

- c. any defense offers made, and rejected by the State;
- d. a 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; and
- h. whether there are any outstanding motions or evidentiary issues.

### **III. Pleas and Other Forms**

#### **A. Pleas**

1. 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 the following link:

<https://www.jud4.org/Top-Navigation/Court-Administration/Felony-Plea-Forms.aspx>.

2. The State and Defense must document all conditions and expectations of the plea on the form and on the record at the time of the plea. The form must reflect the full scope of the disposition and the intent of the parties.
  - a. The defense attorney must read and review the plea form with the defendant before calling the case for a plea colloquy with the Court.
  - b. The State must be prepared to report on the following:
    - (1) Any minimum and maximum sentences, as charged in the Information or Indictment;
    - (2) the factual basis for the plea;

- (3) whether or not the alleged victim agrees with the disposition; and
- (4) any exonerating DNA or lack thereof.

**B. Waiver of Speedy Trial**

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

<https://www.jud4.org/Top-Navigation/Court-Administration/Felony-Plea-Forms.aspx>.

**C. Admission of Violation of Probation or Community Control**

- a. The State and Defense must document all conditions and expectations of the admission on the form and on the record at the time of the admission. The form must reflect the full scope of the disposition in the case, and **the conditions the defendant is specifically admitting to must be documented on the form.**
- b. The Defense must review the scoresheet with the defendant and document it on the form.

**D. Pleas on Sex Cases**

- 1. **General Considerations**—All sex case pleas must be in writing, and the appropriate plea forms must be completed for the Court to review. These plea forms can be found at the following link:

<https://www.jud4.org/Top-Navigation/Court-Administration/Felony-Plea-Forms.aspx>.

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

- b. The State must be prepared to report on the following:
  1. Any minimum and maximum sentences, as charged in the Information or Indictment;
  2. the factual basis for the plea;
  3. whether or not the alleged victim agrees with the disposition;
  4. any exonerating DNA or lack thereof; and
  5. whether the plea will result in the designation of the defendant as a Sexual Offender or Predator.
2. The State and Defense **must 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 must ensure it has 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 the alleged victim or guardian has been informed and has waived any protections provided by law.
3. Pleas that Involve Sex Offender Probation
  - Defense must 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 the defendant agrees to the condition as a part of the negotiated agreement.
4. Court Costs and Surcharges
  - 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.**



### **III. Jury Selection and Trials**

#### General Information

Jury Selections and Trials will generally start at 10:30 a.m. The case will appear on the 9:00 a.m. calendar with a note from the clerk regarding the start time.

- Parties must arrive at least ten (10) minutes prior to the jury selection or trial start time.
- For multiple jury selections and trials, all parties must be present for the entire jury selection.