

IN THE CIRCUIT COURT, FOURTH  
JUDICIAL CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA

DIVISION: CR-E

IN RE: ALL PENDING CRIMINAL CASES

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**STANDING ORDER GOVERNING PRE-TRIAL PROCEDURES AND  
THE TRIAL OF ALL CRIMINAL ACTIONS PENDING IN  
DIVISION CR- E OF THE CIRCUIT COURT OF THE FOURTH JUDICIAL CIRCUIT**

In order to assure the timely and just disposition of all pending cases in Division CR-E of the Fourth Judicial Circuit, the State of Florida and Defense counsel (or *pro se* Defendant) shall comply with the following provisions of this Order:

1. **PLEA AGREEMENTS.** The State of Florida and Defense counsel are encouraged to engage in plea agreement discussions, and if a plea agreement is reached, the Court shall be notified prior to entry of the plea for Court approval. The Court will not engage in pre-guilty plea sentencing discussions with counsel and will not indicate the Court's sentence prior to the entry of a guilty plea. The Court will entertain negotiated pleas that are accepted up to 5:00pm on the Friday before the scheduled Monday jury selection date. After 5:00pm on the Friday before the scheduled Monday jury selection, all pleas will have to be straight up to the bench/open plea to the Court or the matter considered a trial, absent an unusual circumstance preventing earlier notification to the Court. Plea forms shall be reviewed with the defendant, initialed and/or signed in all indicated locations prior to addressing the Court for the plea colloquy. The State shall have the Sentencing Guidelines Score Sheet completed and information as to restitution or costs of investigation sought to be recovered, if applicable.

2. **NON-EVIDENTIARY MOTIONS.** All motions of a non-evidentiary nature that do not require the completion of discovery shall be filed within 30 days of initial Arraignment of the Defendant.

3. **MOTIONS REQUIRING THE TAKING OF TESTIMONY BY THE COURT.** All motions requiring the taking of evidence shall be filed at least 2 weeks prior to the Final Pre-Trial Conference, and a copy of the motion shall be delivered to the presiding Judge's office (either by electronic filing submission, U.S. mail, email, fax, or hand delivery) when filed. Evidentiary hearings will be scheduled so as not to delay any scheduled trial date.

4. **MOTIONS IN LIMINE.** All motions *in limine* shall be filed prior to or on the date of the Final Pre-Trial Conference.

5. **AMENDMENT OF PLEADINGS.** No amendment to any pleadings shall be permitted after the Final Pre-Trial Conference without approval of the Court.

6. **CONSOLIDATION OF CASES/JOINDER OF DEFENDANTS:** Motions for Consolidation of multiple cases or for Joinder of defendants for purposes of trial shall be filed at least 30 days before the Final Pre-Trial Conference.

7. **FINAL PRE-TRIAL CONFERENCES AND DISCOVERY CUTOFF.** Final Pre-Trial Conferences shall be conducted on the MONDAY prior to the scheduled trial date. The attorneys who shall be trying the case shall be present, unless previously excused by the Court. All discovery shall be completed prior to the Final Pre-Trial unless extended by agreement of the parties or by order of the Court.

8. **MOTIONS FOR CONTINUANCE.** All Motions for Continuance shall be in writing and must be filed by the Final Pre-Trial Conference. Motions for Continuance will normally not be granted for the non-appearance of witnesses at depositions unless the reason for the non-appearance of the witness has been investigated, and the facts of the non-appearance have been brought to the Court's attention by the close of the next court date following the non-appearance of the witness.

9. **JURY SELECTION.** Jury selection shall commence at 10:30 a.m. on the Monday the case is set for trial. Counsel for the defense shall make sure his/her client is appropriately dressed and present at least 15 minutes prior to the time for jury selection.

10. **EXHIBITS.** By 5:00 p.m. on the day before the presentation of evidence, the State and Defense shall meet and review all exhibits that either party seeks to introduce at trial. Counsel shall coordinate with the Deputy Clerk of the Court in pre-marking of all exhibits prior to the presentation of testimony. Those exhibits entered into evidence by stipulation shall be pre-marked into evidence as numbered exhibits. Otherwise, if a party objects to the admission of an exhibit into evidence, those exhibits shall be pre-marked for identification purposes as lettered exhibits. It shall be the responsibility of counsel to make sure that appropriate evidence stickers are placed on each exhibit prior to the presentation of evidence.

11. **EXHIBIT and WITNESS LISTS.** Prior to the presentation of evidence, the State and the Defense shall provide the Court and the Deputy Clerk of Court with Exhibit Lists. Additionally, counsel for the State and Defense shall provide to the Deputy Clerk of Court prior to or at jury selection the list of possible witnesses that may testify in the case, so that those witness names may be disclosed to the jury panel by the Court during jury selection, in order to determine if any juror has knowledge of the witness.

12. **JURY INSTRUCTIONS.** Counsel for the State and the Defense shall provide the Court with requested Jury Instructions no later than 5:00pm on the day of jury selection. Further, following the Charge Conference in trial, once a revised and final version of the instructions has been created, the State shall provide those instructions to the Court on a flash drive in order to display the instructions to the jury on the courtroom video monitors during the Court's reading of the instructions to the jury.

13. **ADMISSIONS OF OFFENSES/STIPULATIONS DURING TRIAL.** In the event counsel for a Defendant shall decide as a matter of trial strategy that a defendant should admit or stipulate to any element of the charged offense, or any lesser-included offense, the Court shall be notified of this strategy prior to jury selection so that an appropriate inquiry can be made of the Defendant's agreement with that strategy.

14. **IMPEACHMENT BY PRIOR INCONSISTENT STATEMENT.** In the event the State or the Defense shall desire to impeach a witness by a prior inconsistent statement, a copy of the prior statement shall be furnished to the witness at trial while they are testifying, and to the Court at or before trial.

**DONE AND ORDERED** at Jacksonville, Duval County, Florida, this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_.

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**TATIANA R. SALVADOR**  
**CIRCUIT JUDGE**