

CR-F Division – Policies and Procedures

Motion Practice

Motions Requesting Relief of the Court

If any party is requesting relief of the court, a written motion must be filed with the clerk. The motion must comply with Florida Rule of Criminal Procedure 3.190. Furthermore, the written motion must state what relief the party is requesting, the reasons for the relief, whether counsel has conferred with opposing counsel, and opposing counsel's position on the motion. For substantive motions, including motions to suppress, motions to dismiss, stand your ground motions, or other similar motions, counsel does not need to confer with opposing counsel and state opposing counsel's position to the motion.

Motions to Continue

All motions to continue must be written and filed with the clerk if a party is requesting a continuance of a hearing or trial date. The motion must be on the docket for the Court to hear any arguments on the motion. The motion must state that counsel has conferred with opposing counsel and opposing counsel's position on the motion. The motion must comply with Florida Rule of Criminal Procedure 3.190(f).

Motions Requiring an Evidentiary Hearing or Argument

If counsel files a substantive motion during the pendency of the case, including motions to suppress, motions to dismiss, stand your ground motions, or other similar motions, counsel shall send a courtesy copy to the Judge's judicial office within two business days of filing the motion with the clerk. The Court will assume any motion filed during the pendency of the case is ready for a hearing at the time it is filed. Upon receipt, if a pretrial court date is not forthcoming, the court will set the matter on the calendar for an additional pretrial conference to set the motion for hearing.

Motion Hearings

At least two business days prior to any hearing for argument on a motion, counsel for the parties must email to the Judge's judicial office copies of case law or other legal authority the party will rely upon at the hearing. The Court will review all materials prior to the hearing.

Final Pretrial Conferences

Counsel of record and the Defendant must be present at the Final Pretrial Conference.