

**JUDGE EMMET F. FERGUSON III
COUNTY COURT DIVISION CC-A**

Duval County Unified Courthouse
501 W. Adams Street, Suite 7120
Jacksonville, FL 32202

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CC-A (CRIMINAL PROCEDURES)

Criminal Court for Division A will be conducted in Courtroom 403, located on the fourth floor of the Duval County Unified Courthouse.

- 1) The Court's morning calendar will start promptly at 8:45 a.m. All attorneys shall be available and prepared to handle their assigned cases as called by the Court, In-Person.
- 2) The Judge will call the cases on the calendar. Defense counsel should let the ASA know when counsel is ready to have the case called. For private counsel, specialty counsel and RCC, cases may be called out of order to accommodate the attorneys' needed presence in other courtrooms before other judges. Those attorneys have the responsibility to timely notify the courtroom bailiffs of the needed presence of the inmate, once both attorneys are available and ready for the case to be called.
- 3) There shall be no talking in the courtroom while courtroom proceedings are in progress unless a recess has been called. Conference rooms are available to conduct any negotiations or discussions with opposing counsel, or discussions with out-of-custody defendants or witnesses. Conversations between or amongst attorneys and/or defendants and victims must be conducted outside of the courtroom to minimize noise and maintain the required decorum. Conversations with defendants, if detained, must have occurred prior to the defendant being brought to the courtroom, unless specifically authorized by the Court.
- 4) If there are any in-custody defendants who are creating a disturbance or acting out prior to being called, please notify the Court. These inmates may be called out of order to minimize/eliminate any further disruption of courtroom proceedings.

- 5) If there are any out-of-custody defendants who are not represented by counsel, he/she may be called earlier and out of order so to provide the defendant with the Affidavit of Indigency for completion, and for a determination on whether or not he/she qualifies for appointment of the Public Defender, and if an appointment is then made, for time to consult with the Public Defender prior to Arraignment or Plea.
- 6) Defense counsel shall not waive the presence of any in-custody defendant, who has been transported to the courthouse from the jail, without prior approval of the Court or absent good cause. Any waivers of appearance of the defendant shall be in writing and filed with the clerk. However, there shall be no waiver of defendant's appearance at the Final Pre-Trial Conference.
- 7) Speak clearly and loudly into the microphone at the podium to assure that the digital operator or court reporter, opposing counsel, the defendant and this Court can hear you. Do not move or remove the microphone from the podium.
- 8) Side Bar conferences during morning docket are discouraged and shall be kept to a minimum - i.e., for the following type of issues: 1) Defendant's cooperation with law enforcement/SAO; 2) Defendant's mental or physical health matters; 3) Scheduling conflicts due to personal reasons of counsel.
- 9) At Arraignment, the State shall be prepared to advise the Court of the following:
 - a) the States offer if one is to be made;
 - b) the speedy trial date; and
 - c) whether discovery has already been provided, and if not, the reason why it has not already been provided.
- 10) After Arraignment, the Court shall pass the case for 1 Pre-Trial (PT) conference, approximately two to three weeks later, and then at that first PT conference, the Court shall set the matter for final pretrial sometime within the 3rd month after arrest, unless circumstances dictate otherwise. Intervening PT conferences or hearings on any motions may be scheduled, if needed. **All Motions must be filed by the date of the final pretrial hearing.**
- 11) The Thursday morning the week before jury selection Counsel for each party shall be prepared to report on the following:

- a) whether each party is ready for trial;
 - b) the number of jury panelists needed for jury selection;
 - c) any date/time restrictions in scheduling due to witnesses or attorneys;
 - d) whether an interpreter or any other accommodation will be necessary;
- 12) If an attorney wishes to add, remove, or pass a case to another scheduled date, that attorney shall consult with opposing counsel about same, and if agreed to by both parties, shall then notify the Court's Judicial Assistant via email at mstott@coj.net (cc'ing opposing counsel) **no later than 1:00 pm the day prior to the requested date.**
- 13) If an attorney wishes to effectuate an "in court add-on" of another case not on the docket, the attorney shall notify the Deputy Clerk of Court before the Judge takes the bench or prior to the case being called, to allow sufficient time for the necessary paperwork to be prepared by the clerk. "In court add-ons" should not occur with frequency and shall be kept to a minimum.

COURTESY COPIES

Courtesy copies of motions and memoranda should be delivered to the Court at least three days before a scheduled hearing on the matter. Motions, pleadings, and memoranda may be provided by email as well as U.S. Mail or hand delivery. However, voluminous pleadings **(more than 10 pages, including attachments) must not be emailed.** They will need to be provided via hand-delivery, U.S. Mail, or other delivery service. **Any binders containing case law shall be received by the Court at least 5 days prior to the hearing.**

PROPOSED ORDERS FOLLOWING A HEARING

The Court may request the lawyers prepare proposed orders pursuant to the Court's verbal recitations of rulings made during a hearing. Such proposed orders after a hearing are to be timely submitted to the Court as follows:

- 1) If there is an unrepresented party involved in the case not using e-Portal, the party presenting the proposed Order shall be responsible for providing a conformed copy to the unrepresented party.
- 2) If all parties before the Court are using e-Portal, the proposed Order shall be submitted through the e-portal by following the directions in the link.

<https://www.jud4.org/Top-Navigation/Court-Administration/Proposed-Orders-EFiling.aspx>

PROPOSED ORDERS WITHOUT A HEARING

- 1) Proposed Orders without a hearing may be submitted to the Court in Microsoft Word (docx) format or via the e-portal and must be copied to all opposing counsel/unrepresented parties. A courtesy copy of the motion, joint stipulation, etc. related to the proposed Order must be provided. The Motion must state that opposing counsel/unrepresented party has been provided with the same materials being provided to the Court and whether (i) opposing counsel/unrepresented party consents to the relief requested in the order and, if so, (ii) whether opposing counsel/unrepresented party agrees with the language of the proposed Order. The service list on the Order must contain e-filing addresses for opposing counsel/unrepresented parties.

- 2) If an unrepresented party does not receive e-filings, counsel must immediately mail a conformed copy to the opposing party.

- 3) All consent Orders shall include the word "Consent" or "Agreed" in the caption of the proposed Order.