



**THIRD AMENDED NOTICE REGARDING FELONY CRIMINAL COURT
CALENDARS/HEARINGS IN THE FOURTH JUDICIAL CIRCUIT,
IN AND FOR DUVAL COUNTY, FLORIDA**

EFFECTIVE JUNE 1, 2020

As we continue to monitor the ongoing developments regarding the COVID-19 virus, and with the entry by the Florida Supreme Court of AOSC20-23 on May 21, 2020, the eight (8) felony judges within the Fourth Judicial Circuit, in and for Duval County, Florida, hereby modify the previously implemented Notice(s) as set forth below and until further Order/Notice. We appreciate your continued patience and understanding, as we take all steps necessary to maintain judicial workflow to the maximum extent feasible while also endeavoring to protect the public health.¹ Please check duvalclerk.com for court dates. All jury services have been cancelled until July 6, 2020, and speedy trial has been tolled.

Effective June 1, 2020, each judge presiding in his/her respective felony division shall resume presiding over said division's calendars. All matters (arraignments, appearances on VOP, pre-trial conferences, pleas, hearings on motion, sentencing hearings, etc.) for any case pending shall be addressed by the judge presiding over the division in which the case is pending, consistent with The Florida Supreme Court's Administrative Order AOSC20-23 (Amendment 2), entered May 21, 2020, and this Third Amended Notice.

It is the intention of the felony judges to return, to the fullest extent possible, to the routine and customary operations of the felony divisions (excluding, of course, jury selection, jury trials and required in-person appearances of counsel, parties, or staff).

APPEARANCES: All regular personnel, including all attorneys, interpreters, witnesses, probation officers and court reporters shall appear via Zoom.² Personal appearances are prohibited unless specifically authorized. Please contact the appropriate division Judicial Assistant for the Zoom meeting ID number.

¹ See Sec. I, AOSC20-23 (Amendment 2) entered May 21, 2020.

² See Sec. II, *id.*

In-Custody Defendants: Until further Order of Court, all in-custody defendants shall continue to appear for all hearings via Zoom.

Out-of-Custody Defendants: For arraignments, counsel may file a Waiver of Appearance and Plea of Not Guilty (and other pleadings), per the Florida Rules of Criminal Procedure, prior to the arraignment. A copy of the Waiver of Appearance and Plea of Not Guilty MUST be emailed to the appropriate Judicial Assistant. This applies to arraignments only. Otherwise, the appearance of defendants who are out of custody may be waived by counsel for all hearings after arraignment, as contemplated by the Florida Rules of Criminal Procedure.

Until further Order of Court, out-of-custody defendants will not be permitted to physically appear in the courtroom. Out-of-custody defendants may appear via Zoom.

PLEAS: For defendants seeking to enter a plea, the following procedures must be followed: (i) All pleadings necessary for such hearings [such as Plea of Guilty (with or without negotiated sentence), Admission of Violation of Probation, Sentencing Guidelines, etc.] must be emailed by counsel to the appropriate Judicial Assistant no later than **NOON** the day before the hearing; (ii) If the case is being added to the Court's calendar, counsel must communicate with the appropriate Judicial Assistant no later than **NOON** the day before the requested hearing date; and (iii) in-custody defendants tendering a plea will appear via Zoom from the Duval County Pretrial Detention Facility while out-of-custody defendants tendering a plea must appear in person in J-2.

SCHEDULE: Each division's calendars will be set by the presiding judge. However, to facilitate the efficient appearances of defendants who are inmates at the Duval County Pretrial Detention Facility, the following general schedule is established:

In Divisions A-D:

Cases involving *IN-CUSTODY* Defendants will be handled on MONDAYS OR WEDNESDAYS of a given week.

Cases involving *OUT-OF-CUSTODY* Defendants will be handled on TUESDAYS OR THURSDAYS of a given week.

FRIDAY calendars shall be set as determined by the presiding judge.

In Divisions E-I:

Cases involving *IN-CUSTODY* Defendants will be handled on TUESDAYS OR THURSDAYS of a given week.

Cases involving *OUT-OF-CUSTODY* Defendants will be handled on MONDAYS OR WEDNESDAYS of a given week.

FRIDAY calendars shall be set as determined by the presiding judge.

Note: If you believe a case should be added to the calendar, please contact the appropriate Judicial Assistant no later than **NOON** the day before the requested hearing date. Any such matter will be set at the Court's discretion.

NO RECORDING OF PROCEEDINGS PERMITTED: Pursuant to Administrative Order No. 2020-12, electronic recording of any court proceeding by a party, an attorney, or any other observer is *strictly prohibited* unless the requirements of Amended Administrative Order No. 2018-11 are met and permission given by the Chief Judge of the Fourth Judicial Circuit to the person requesting to record the proceeding. In addition, all administrative orders that were entered prior to the current emergency that are applicable to electronic recording by the media including Second Amended Administrative Order 92-02 and Administrative Order No. 2013-08 remain in full force and effect throughout the duration of the emergency. All procedures and requirements outlined in these administrative orders and any other applicable administrative orders must be complied with in order for any electronic recording of any court proceeding to occur.

DECORUM: All attorneys with the State Attorney's Office, Statewide Prosecution, the Florida Attorney General's Office, Public Defender's Office, RCC, and private defense counsel **with cases pending before the Court on any given day, shall, as customary, appear before the Court via Zoom prepared to address all matters necessary for the orderly and timely administration of cases.**

The courtroom, whether a physical in-person courtroom or a virtual courtroom using video technology, remains a formal and serious place where matters of great import are determined. Every case is important, and all participants are required to maintain proper courtroom decorum in the virtual courtroom, just as they would in person in the physical courtroom.

All participants in Virtual Court proceedings shall continue to observe the following well-established rules of court decorum:

1) Arrive on Time and Follow Virtual Platform Directions

To minimize distractions during the court proceeding, counsel should log in a few minutes before the scheduled start time and follow the Zoom directions provided by the presiding judge. Identify yourself when in the virtual meeting with your name. While participants may mute their microphones, *participants shall keep their camera active at all times while attending court proceedings.*

2) Dress Appropriately for Court

Business attire (coat and tie for men and suits/blouses or dresses for women) is required for court.

3) Eliminate Distractions

Please try to locate a quiet area and minimize interruptions or distractions in the home or office as much as possible.

Counsel may use an *appropriate* Zoom virtual background to eliminate visual distractions. Put your cell phones and other technology in silent mode during the Virtual Court proceeding. Further, in order to prevent any accidental audio distractions, counsel should mute his/her microphone until it is counsel's opportunity to be heard.

4) Do Not Speak Out of Turn or Interfere in Testimony

Just like an in-person court setting, the presiding judge will indicate when it's an individual counsel's opportunity to be heard. If another person is testifying, counsel may not suggest answers, make gestures, or otherwise coach a witness or a party from off camera.

Please continue to check duvalclerk.com for court dates and jud4.org for courthouse updates and changes. We will update with any changes in court procedures as the situation warrants.

Adrian G. Soud
Administrative Judge, Felony Criminal Division