

Judge McKibben's Procedures for July - August 2020

Revised: 7/23/2020

Due to administrative orders from the Florida Supreme Court and the most recent local administrative orders entered by our chief judge, we will continue to handle all cases and hearings during the remainder of the month of July and during the month of August by remote video, electronic means and/or by telephone. We will either continue to handle in-custody cases on Tuesday mornings from 8:00 a.m. to 9:00 a.m. in courtroom 4D (defendants appearing via video from the jail courtroom) or from courtroom 4A using the Microsoft Teams link to the jail conference room (defendants appearing via video from the jail conference room). We will need some advance notice of requested hearing times so the link can be reserved.

Regarding the **VOP arraignments**, for those defendants that are in custody, we will set them on Tuesdays at 8:00 a.m. in 4D or as needed on other dates in 4A, unless a motion for continuance is filed and granted by the Court to another scheduled date after August 31, 2020. For those defendants that are not in custody, those cases will be continued to the next VOP arraignment docket in September or will be heard by electronic means if requested by the parties in a timely manner.

Regarding the **VOP hearings and all other motions/evidentiary hearings**, these can be conducted as long as all parties agree/stipulate to all witnesses, victims, and defendants appearing remotely. We can either set up telephonic appearances (the Court can conduct three-way calls) or remote appearances using Microsoft Teams. The Court will need to know in advance, by written stipulation, that the parties are agreeing to these procedures. These cases will be set on a case by case basis and requests for such hearings need to be made by sending an email to Patti Anderson. She will respond to the parties once the Court has reviewed the request as to whether the case will be heard or rescheduled to a future court date. If a request for a hearing is granted, the parties shall make an attempt to stipulate to any exhibits that will be used during the hearing. All exhibits shall be marked and provided to the Court 48 hours prior to the hearing. If the parties cannot stipulate to a particular exhibit, please indicate that there is no agreement and it will be addressed at the hearing.

Regarding the **Calendar Call (CC)** set for July 23, the attorneys will attend remotely via Microsoft Teams and defendants and victims may appear remotely as well. The Court will waive the appearance of all defendants but if any would like to appear remotely the defense attorney shall provide the Teams link to their client. No one shall come into the courthouse/courtroom. Since we are again not certain about how our jury trial schedule will proceed, we may not be able to announce trial dates. If any party is seeking a continuance, a proper motion and order can be filed (at least 48 hours prior) and should note whether the other party objects or not. Be mindful that the next scheduled CC date is October 8, 2020 at 9:00 a.m.

Regarding the **Docket Sounding (DS)** set for July 30, the attorneys will attend remotely via Microsoft Teams and defendants and victims may appear remotely as well. The Court will waive the appearance of all defendants but if any would like to appear remotely the defense attorney shall provide the Teams link to their client. No one shall come into the courthouse/courtroom. If any party is seeking a continuance, a proper motion and order can be filed (at least 48 hours prior) and should note whether the other party objects or not. Be mindful that the next scheduled DS date is September 9, 2020 and the next CC date is October 8, 2020.

For all other matters, if you have a case that can potentially be heard/resolved by remote appearances or will resolve in a plea, please send an email to Patti Anderson with the request and agreement by the parties and the Court will review the request and try and schedule it as soon as possible. For out of custody pleas, this will require remote video appearances by the attorneys and defendants and will also require a completed plea form and completed fingerprint card (if required) that must be presented to the Court in advance of the hearing/plea time and date. The defense attorneys are responsible to ensure their clients appear by remote video for the plea hearings.

The Court can set up a Microsoft Teams virtual/remote meeting to conduct any of these hearings if needed and requested. During this period before we are back to our normal docket, we have some time to try and resolve cases and/or motions and we would like to efficiently use such time. We will simply have to coordinate each and every hearing and this will continue to take some effort by everyone. This will also require the State to make offers on cases, the defense attorneys talking to their clients about the offers, and the parties discussing possible evidentiary and procedural stipulations for motions and hearings.

We will be providing updates to everyone if any of these procedures change and/or dates are extended by further administrative orders. We know we will all be busy with trials once we are all back in the courtroom together. Once again, thanks for your patience and cooperation and let's all continue to stay safe.