

JUDICIAL POLICIES AND PROCEDURES
Circuit Criminal Division “T”
Judge Michelle Naberhaus

All attorneys, self-represented litigants, witnesses, and court visitors are expected to be familiar with and abide by the Eighteenth Judicial Circuit Administrative Order 09-06 In Re: Courtroom Decorum and Procedure, and any other Administrative Order currently in effect. All attorneys shall be familiar with and are expected to abide by the Rules Regulating the Florida Bar and the Guidelines for Professional Conduct.

Contact Information

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A. Communications with the Judicial Office

- **Method of Communication:** All communications to the judicial office regarding scheduling must be submitted by e-mail to the following: *Theresa.Goddard@flcourts18.org*. The subject line must contain the case number, case name, and relevant matter.
(e.g., State v. Doe: 24-CF-12345: 2-Hour Hrg Request)
- **Ex Parte Communications:** All communications with the judicial office must comply with Canon 3 of the Code of Judicial Conduct, which prohibits a judge from initiating, permitting, or considering *ex parte* communications and from considering other communications outside the presence of the parties concerning a pending or impending proceeding, unless authorized by law. **All parties must be copied on any e-mail directed to the judicial office, unless an *ex parte* communication is authorized by law.**
- **Unsolicited Communications:** Unsolicited communications from non-parties will not be considered by the court. Parties may only contact the judicial office in accordance with these practices and procedures.
- **E-Filing Portal Contact Information:** All attorneys and self-represented litigants must provide an e-mail address to receive signed orders electronically, unless excused. *Rule 2.516*, Fla. R. Gen. Prac. & Jud. Admin. It is the responsibility of attorneys and self-represented litigants to update their contact information using *Form 2.603* any time there is a change in the e-mail account registered for electronic service.
- **Response to Inquiries:** The judicial assistant is not authorized to provide legal advice or aid in any filing of motions. Judge Naberhaus cannot overturn another Judge's order as she does not sit upon an appellate panel.

B. Scheduling Procedures

- **Court Schedule:** The Felony Criminal Division operates on a rotating 6-week schedule, which includes three (3) weeks of hearing time, followed by three (3) weeks of jury trials.
- **Scheduling Hearings:** Hearings must be requested by e-mail to *Theresa.Goddard@flcourts18.org*. The scheduling party should e-mail the judicial assistant, copying opposing counsel and any self-represented litigant, to coordinate the scheduling of the hearing. The email request should include a **copy of the motion** and the **requested amount of hearing time**.

- **Notice of Hearing:** A notice of hearing must be filed and served immediately after confirmation from the judicial assistant. A copy shall be sent via email to the Judicial Assistant. The Notice of Hearing **MUST** include the **document number** of the motion (as shown on the register of actions) and the **time reserved** for the motion. If a Notice of Hearing does not include this information, the hearing is subject to being cancelled. In the interest of judicial administration, it is **VERY IMPORTANT** to include this information. A notice of hearing involving any remote appearance must list the judicial Teams credentials, including the link for the virtual courtroom. All notices of hearing must contain the ADA notification required by *Rule 2.540*, Fla. R. Gen. Prac. & Jud. Admin.
- **Motion for Early Term or Modification:** Please email a copy of the e-filed motion and the State's response to the Judicial Assistant. If the State objects, the Judicial Assistant will provide the hearing time for the State and Defense to coordinate. A defendant who files a *pro se* motion for early termination must send a copy to the Judicial Assistant and contact the Judicial Assistant to set it for hearing. **The Clerk of Court does not forward pro se motions to the Judge.**
- **JAC Motions:** Please email a copy of the e-filed motion, JAC's response, any other necessary attachments, and proposed order to the Judicial Assistant. If JAC objects, this matter will have to be set for a hearing. Attorneys submitting motions for payment of costs must be current with accountings to the JAC.
- **Submission Deadlines:** The court must receive all materials for evidentiary hearings no later than three (3) business days before the hearing.
- **Order of Proceedings:** Those present in the courtroom will be addressed first. Appearing via Teams is a privilege and therefore those on Teams will be taken last.
- **Continuance Procedure:** Continuances are disfavored and will be granted only upon good cause shown. Any motions to continue filed the day before a set hearing will be addressed on the scheduled hearing date.
- **Submission Method:** Motions to continue Trial or any long hearing shall be submitted in writing and e-filed in the case.
- **Deadline for Submissions:** Any proposed orders not generated in Court must be submitted to the judicial assistant in WORD format within seven (7) days after any hearing. All executed orders will be

filed through the e-filing portal for service upon the parties.

- **Cancellation of Hearings:** Please contact the Judicial Assistant prior to canceling any hearings. If granted, please email a copy of your Notice of Cancellation as soon as you know the hearing is not going forward. Ensure the opposing party is copied on the email.

C. Courtesy Copies of Case Law and Other Documents

- **When Required:** Courtesy copies of case law must be submitted to the court for any evidentiary proceeding.
- **Format:** A courtesy copy can be brought to court or emailed to the Judicial Assistant prior to the hearing.

D. Emergency Hearings and Other Urgent Matters

- **Requirements:** If a party believes there is a factual basis for setting an emergency hearing, a detailed motion setting forth the following must be filed: (1) the issues to be resolved; (2) reasons why an emergency hearing is necessary; and (3) the amount of time needed for each party's presentation.
- **Scheduling:** If the court determines that an emergency exists, a hearing will be scheduled unilaterally by the Court. All parties shall make themselves available for the emergency hearing, barring exigent circumstances.

E. Exhibits for Evidentiary Proceedings

- **Submission Method:** Exhibits shall be brought to court at least 15 minutes prior to the hearing to allow time for the opposing side to review them and to allow the Clerks to properly mark them.
- **Format:** Exhibits must be submitted to the Clerks in paper format. All attorneys and self-represented litigants must bring sufficient copies of each exhibit for the Clerk, the Court, and each party to review during the hearing or trial.

F. Pretrial Procedures and Conferences

- **Docket Sounding:** Inmates are not transported. Parties shall appear in person unless an email request to appear via Microsoft Teams was sent to the Judicial Assistant. The Court addresses all in-person appearances first before logging into Teams. Paper Dockets will be accepted in lieu of attorney appearance; however, attorney appearance is required for any case that is more than two years old.
- **Pretrial Motions:** All pretrial motions shall be timely filed and scheduled within 30 days of Calendar Call.
- **Calendar Call:** Defendant's appearance in person is required, unless excused by Court. If your client is in custody and wishes to plea at Calendar Call, you must make a request for transport no later than 2:00 p.m. the day prior to the hearing. Pleas can be taken from 1:15p.m. to 2:00p.m.
- **Jury Trial:** The attorney must appear in person with the Defendant. If you were advised you are on a 4-hour call at the last Calendar Call, you do not need to appear until the Court advises you to do so. Any case on the 4-hour call that did not get called during the trial period will be rolled to the next Calendar Call date.
- **4-Hour Call:** All cases on the trial docket will be placed on the docket for the first day of trial to reflect which cases are on the docket. HOWEVER, the only cases that will be called up on the first day of the trial period for a mini-calendar call will be notified by the Judicial Assistant. In that instance, the attorney and Defendant will appear in person on that date to determine the reporting for trial.

G. VOP PROCEEDINGS

- **VOP Arraignment:** Inmates will be transported to Court. VOP arraignments will not be continued. A Defendant may enter a plea (time permitting), be placed on a plea docket, or be placed on a VOP Calendar Call docket.
- **VOP Calendar Call:** Inmates will be transported, and Defendant's appearance in person is required. The parties shall determine whether the matter is going to resolve or will be placed on a VOP hearing docket. Continuances will not be granted absent good cause shown. The VOP Calendar Call docket is the appropriate docket if there is work being done on the case that is necessary to prepare for a VOP Hearing. The VOP Calendar Call docket will also be the last opportunity a Defendant will have to resolve his or her case prior to being scheduled for a VOP

Hearing.

- **VOP Hearing:** Inmates are transported, and all Defendants shall appear in person. Absent extraordinary circumstances, the matter scheduled shall proceed to formal hearing at that time. The time to resolve a matter is during the VOP Arraignment or VOP Calendar Call dockets. If the parties reach resolution of a matter between the VOP Calendar Call and the VOP Hearing, notice of same **must** be provided to the Court at least 24 hours prior to the hearing. If a matter is called up for a VOP Hearing, it is **expected** that the matter will proceed accordingly on that day.

H. Other Division Procedures

- **Interpreter Requests:** If an interpreter is needed for a hearing or trial, please contact Court Administration via the following email: *jeanne.chipman@flcourts18.org*. If a Spanish interpreter is needed, please send an email to *Alejandra.Martinez@flcourts18.org* and *marta.vittitoe@flcourts18.org*.
- **Conflicts and Scheduling Issues:** In the event the parties have a conflict regarding the setting of a hearing or scheduling matter, they may schedule a five-minute status hearing to address the issue. The Notice of Hearing **must** reflect the purpose of the status hearing (*e.g.*, Status Hearing to address scheduling conflict, etc.).
- **Communications with Judicial Assistant:** The parties shall not argue with one another through the Court or Judicial Assistant's inbox. The Court will not tolerate arguing over substantive matters and/or scheduling through email communications. The Court reserves the right to sanction any party who violates this provision.