

# **OFFICE OF CIRCUIT JUDGE JOSEPH FOSTER**

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## **OFFICE AND COURTROOM PROCEDURES**

### **(FELONY DIVISION)**

#### Other Contacts:

Court Administration - (239) 252-8800  
Clerk of the Court Call Center - (239) 252-2646  
Court Mediation - (239) 252-8704  
Felony Case Manager – (239) 252-2754  
Bailiff's Bureau - (239) 252-8129  
Collier County Jail - (239) 252-9736

#### Web sites:

20 <sup>th</sup> Judicial Circuit:	<a href="http://www.ca.cjis20.org">www.ca.cjis20.org</a>
Collier County Clerk of Courts:	<a href="http://www.clerk.collier.fl.us">www.clerk.collier.fl.us</a>
Collier County Sheriff:	<a href="http://www.colliersheriff.org">www.colliersheriff.org</a>

**CIRCUIT JUDGE JOSEPH FOSTER’S  
OFFICE AND COURTROOM PROCEDURES**

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**CIRCUIT JUDGE JOSEPH FOSTER**  
**OFFICE AND COURTROOM PROCEDURES**  
**CRIMINAL DIVISION**

<b>CRIMINAL DIVISION</b>
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**GENERAL MOTION AND PLEA SCHEDULING:**

Criminal Motions and Pleas will be set through the JACS calendaring (automation) for hearings that require **20 minutes or less**. Criminal Motions **requiring 30 minutes or more shall be coordinated with opposing counsel as to both length of time needed and date and set by email with the Judicial Assistant [DShepherd@ca.cjis20.org](mailto:DShepherd@ca.cjis20.org)**.

**JACS (AUTOMATION CALENDARING SYSTEM) REQUIREMENTS:**

All hearings, 20 minutes or less in length (**PER CASE ON ONE GIVEN JACS CALENDAR DATE**) must be scheduled through the “JACS” system. You may not schedule back-to-back hearings to acquire a longer block of hearing time (e.g. scheduling two 20-minute hearing times to acquire 40 minutes). If you schedule a hearing improperly, the hearing may be cancelled by the Judicial Assistant, sanctions may be assessed, and you may be blocked from the “JACS” system for future use. Once a motion is scheduled through “JACS” subsequent motions may not be “piggybacked” using the time reserved for the first motion absent prior approval of the Court.

Except for cancellations, there can be no changes, additions, swapping, or other alternations of the motion calendar. Attempts to accommodate such request in the past have resulted in unnecessary confusion and inadequate notice to opposing counsel. **Motions must be filed with the Clerk before scheduling a hearing on JACS.**

**THE JACS CALENDARING SYSTEM CAN BE FOUND ON THE 20<sup>TH</sup> JUDICIAL CIRCUIT WEBSITE: <http://www.ca.cjis20.org/jacsattCollier/AvailableSlotFrame.asp>**

**HEARINGS 30 MINUTES OR LONGER:** All hearing requests of 30 minutes or longer may be made through email to the Judicial Assistant, Didi at **DShepherd@Ca.CJIS20.Org**. All hearing time is divided equally between the parties. All motions must be scheduled **PRIOR TO THE CALENDAR CALL DATE**, if the case is set for trial. The amount of time needed for the hearing as well as the hearing date must be coordinated between counsel. **Motions must be filed with the Clerk before requesting a hearing date.**

When requesting a special set hearing, the following information is required from your office:

- 1) Case Number
- 2) Case Name
- 3) The Motion(s) to be heard
- 4) The amount of time required for both sides to present evidence, if any, and to argue the motion (\*please ask your attorney as this may vary greatly from one case to another). The Judge’s copy of the motion calendar will reflect the amount of time you have requested. If your hearing exceeds the time requested, the judge may order that your motion be reset to another motion docket.

- 5) Your Notice of Hearing must include the amount of time you estimated for **both** sides to present evidence and to argue the motion.

**CANCELLATION POLICY FOR MOTIONS:** All requests for cancellations of hearings for motions must be submitted by the attorney or party who set the hearing and the cancellation must be agreed upon by all parties, regardless of who set the hearing. If the cancellation request for a hearing is on a hearing that is set seven (7) days or less from the date of the cancellation request, Judge Foster will not allow cancellation of the hearing unless the issues set on the motion calendar have been **COMPLETELY RESOLVED**. To obtain Court approval of a late cancellation request (7 days or less) you **MUST** submit a written request to Judge Foster on your letterhead and signed by the attorney. The letter must state you have copied all parties and they are in full agreement that the issues set have been completely resolved. If the hearing cancellation request is on a hearing set more than 7 days from the date of the hearing cancellation request, you may cancel the hearing if you have obtained approval by all parties.

**EMERGENCY HEARING REQUEST:** All matters considered to be an emergency by a party or counsel must be submitted to the judge's chambers (by email, mail or hand delivery) in writing with a copy of the motion that has been filed attached to the request. The letter must state that a copy of the request has been served on the opposing counsel and include the amount of hearing time being requested.

### **HEARING CONFIRMATION NUMBER**

On all Motions, either JACS or the Judicial Assistant will give you a hearing confirmation number that must be put in your Notice of Hearing.

### **POST CONVICTION RELIEF MOTIONS**

Copies of all post conviction motions (including 3.800 and 3.850 motions) must be sent to the court for review to determine if an evidentiary hearing will be scheduled. All post conviction motions are scheduled and coordinated by the Judicial Assistant.

### **GENERAL MOTION REQUIREMENTS**

- **Motions for Release on Own Recognizance (ROR):** (after 33 days due to State not filing an Information) Hearings on these Motions will be set for 8:30a.m. on Monday, Wednesday and Friday when Court is in session. Defense counsel must schedule the hearing with the Judicial Assistant and shall deliver written notice to the State Attorney (by fax or hand delivery) not later than 3:00 p.m. two (2) business days prior to the date of the hearing. For example, for a 9:00 a.m. hearing on Monday, notice must be delivered to the State Attorney not later than 3:00 p.m. on the proceeding Thursday.
- **Consolidations:** Civil and Traffic Offenses will not be consolidated into felony cases.
- **Motions to Suppress:** The original Motion to Suppress should be filed with the Clerk and a copy sent to the State Attorney and the Court for review. In accordance with Rule 3.190(h), the Court will review the motion to determine if the motion is legally sufficient before a hearing date will be set. See Rule 3.190(h); State v. Hernandez, 841 So.2d 469 (Fla. 3d DCA 2002). Motions to Suppress which are not heard prior to the pretrial conference will be heard at the start of trial.
- **Telephone Hearings:** Generally, witnesses may not appear by telephone in the absence of a stipulation between the parties permitting such an appearance and with advance notice to the Court. A notary public must be available in the presence of the witness to administer the oath, or the parties may stipulate that the clerk administer the oath from the courtroom. Attorneys must appear in person for hearings. See Rule 2.530(d).

- **Submission of Case Law to the Court:** For substantive motions such as motions to dismiss or suppress, if counsel intends to rely on case authorities, those cases should be provided to the Court with an appropriate letter of transmittal and a courtesy copy of the motion at **least two business days** prior to the hearing. Copies of the cases must also be delivered at the same time to opposing counsel. Case authorities submitted at the time of the hearing may result in a delay in the issuance of the Court's ruling on your motion.
- **Motions for Continuance of Trial:** All motions for the continuance of a case which has been set for trial shall be timely filed in writing, and except for good cause shown, shall be signed by the party (in addition to the attorney) requesting the continuance. In the absence of exceptional circumstances which are not reasonably foreseeable and which are beyond the control of the moving party or counsel, motions for continuance of trial shall only be set for hearing on the court's regular motion calendar. Continuances shall only be granted upon a showing of good cause. See Rule 2.545(e), Florida Rules of Judicial Administration. A notice of unavailability is not a substitute for a motion and order for continuance. Delio v. Landman, 987 So.2d 733, (Fla. 4<sup>th</sup> DCA 2008).
- **Motions to Withdraw Plea:** Before setting a hearing, the Court will review a motion to withdraw a plea. The original Motion should be filed with the Clerk and a copy of the motion sent to the State Attorney and the Court with a cover letter stating how much hearing time you are requesting and include in the letter that a copy of the motion has been furnished to the State Attorney.
- **Motions for New Trial:** Motions for New Trial must be filed with the Clerk and a copy sent to the Court. Unless otherwise ordered by the Court, the Motion will be heard at the time of sentencing.
- **Request for Travel:** Pursuant to standard condition (3) contained in all probation orders, the Department of Corrections is directed by the Court to determine whether a probationer is allowed to travel to any location outside his or her county of residence. It is not the responsibility of the Court to supervise probationers. Supervision is the responsibility of the Department which is in a superior position to determine whether permission to travel should be granted and to determine what special conditions or restrictions, if any, should apply to such travel on a case by case basis. Accordingly, requests to travel will not be considered by the Court.
- **Motions for Funeral Release or Furlough:** The control and supervision of inmates in the Collier County jail is the responsibility of the Collier County Sheriff's Office. All requests for funeral release or furlough from the Collier County Jail should be submitted to the jail and must comply with the Sheriff's policies and procedures. Please refer to Chapter 7, Section 9, Jail Division Policy and Procedure Manual.
- **Motions and Orders to Transport:** If the presence of a defendant who is in custody outside of Collier County is required for a plea, hearing or trial, counsel seeking the presence of the defendant shall be responsible for timely submitting to the Court an Order to Transport. Counsel shall consider that the defendant's location of custody may lengthen the time required to transport the defendant and counsel should contact the Collier County Sheriff's Office to confirm that there is sufficient time to transport the defendant. These orders shall also provide for the return of the defendant to custody after conclusion of the plea, hearing or trial. The Order to Transport shall indicate that a copy is to be delivered by the Clerk to the Collier County Sheriff's office.
- **Motions to Set Bond or Reduce Bond:** The original Motion to Set Bond or Reduce Bond should be filed with the Clerk and a copy sent to the State Attorney and the Court for review, together with a letter of transmittal. Upon review the Court may order that a Bond Reduction Investigation report be prepared by the Department of Corrections, and if so ordered, a hearing date may not be set until after the report has been forwarded to the Court (not the Clerk) with a copy to the State Attorney and the Defense Attorney (or Defendant, if pro se).
- **Motions to Set Bond in VOP cases.** If a VOP warrant provides that the defendant be held without Bond (a "No Bond" warrant), and the defendant remains in custody, a Motion to Set

Bond should be filed with the Clerk and a copy sent to the State Attorney and the Court, together. A hearing should be scheduled in accord with the procedures above.

### **CORRESPONDENCE TO THE COURT:**

Unless otherwise authorized by law, any correspondence received by the Court shall be placed in the Court file and subject to public record.

Pursuant to Canon 3.B (7), Code of Judicial Conduct, the Court cannot consider any ex parte communication made to the Court outside the presence of counsel or the parties concerning a pending or impending matter.

If the submission contains a proposed order, please attach a stipulation or other writing with the signature of opposing counsel or party indicating that he or she has agreed to or has no objection to the proposed order. Otherwise, you must follow the procedure for general motion scheduling set forth above. Your proposed order must include the attorneys, agencies, and/or parties and self-addressed stamped envelopes if you want a hard copy returned to you. Otherwise, at the time of the processing by the Clerk of the original order through the Portal, the attorney(s) of record on the case at the time of processing the order who are Florida Bar Members will receive a copy via e-mail by the Clerk.

Do not submit a proposed order requesting the Court to hold the order for a certain number of days pending any objection from the opposing counsel or party. Such submissions will be returned to the sender.

Upon filing of the appropriate motion, the following orders may be submitted for consideration by the Court without a stipulation or the signature of opposing counsel:

- A. Order appointing conflict counsel
- B. Order for substitution of counsel (with stipulation signed by new counsel)
- C. Order for withdrawal of counsel (with stipulation signed by client)
- D. Order for withdrawal of counsel (newly retained private counsel has filed a Notice of Appearance.)
- E. Order for appointment of expert for mental examination of defendant
- F. Order approving court reporter fees and other due process costs (within I.S.C. authorized rates), provided notice has been given to J.A.C. and the Motion and Order conform to all JAC requirements.
- G. Order to transport defendant
- H. Order to appoint public defender for purpose of appeal
- I. Order appointing Guardian Ad Litem

### **NOTE: CASES IN WHICH THE COURT ENTERS AN ORDER FOR SUBSTITUTION OF COUNSEL SHALL REMAIN SET FOR CASE MANAGEMENT, PRETRIAL CONFERENCE OR TRIAL AS PREVIOUSLY SCHEDULED.**

ALL SUBMISSIONS to the Court must contain a cover letter and copies of the motions or pleadings (if applicable). **The cover letter must state the reason for the submission and state or indicate that the letter and attachments have been furnished to the opposing party.**

### **CASE MANAGEMENT PROCEDURES**

At arraignment the State Attorney's Office will determine if any defendants who are out of custody and not represented by counsel intend to apply for a public defender and those defendants will be instructed to immediately prepare and submit the appropriate application form to the Clerk (at Customer Service on the first floor of the courthouse annex) and to

promptly return to the arraignment courtroom.

If the Clerk has found the defendant to be indigent, the public defender is automatically appointed without further order of the Court. If the defendant has been found not indigent, the defendant may request judicial review of the Clerk's determination, in which case the arraignment judge will conduct a hearing at the conclusion of the arraignment docket. If the Public Defender has been appointed, a plea of not guilty will be entered and the defendant shall be instructed to contact the Public Defender's office within ten (10) days to schedule an appointment to meet with the assigned attorney.

If the defendant intends to hire private counsel or is determined to be not indigent, the defendant will be advised by the State Attorney's Office at the arraignment to promptly retain counsel and have that counsel file an appearance with the Clerk within ten (10) days. If the defendant intends to proceed pro se, the arraignment judge may conduct a **Faretta** hearing at the conclusion of the arraignment docket or set the hearing at another date and time on a motion or hearing docket of the assigned judge.

After entry of a plea at arraignment, or after defense counsel has filed a written plea of not guilty at or before arraignment, a Case Management Conference shall be scheduled by the Clerk not less than 30 days nor more than 60 days thereafter (excluding court holidays), and the Clerk of Courts shall deliver or send notice of the Case Management Conference to the State Attorney, defendant and Defense Counsel, if any, and the bondsman, if any.

Not less than fifteen (15) days before the Case Management Conference, the State Attorney shall deliver or transmit to Defense Counsel, the following:

- A. Information/Indictment
- B. Probable cause affidavit
- C. Sworn statements of witnesses, if any
- D. Sentencing guidelines scoresheet
- E. Preliminary plea offer, if any.

Unless the defendant has signed a written waiver of appearance pursuant to Rule 3.180(a)(3) and 3.220(o)(1) Fla. R. Crim. P. (2016), the defendant shall attend the Case Management Conference. Notwithstanding a written waiver of appearance, the Court may require (with notice), the attendance of the defendant for good reason, for example, to enable the Court to ascertain whether a plea agreement has been offered and if so, whether it has been, or is likely to be accepted, and to otherwise facilitate plea discussions and agreements in accordance with Rule 3.171. See Cruz v. State, 822 So.2d 595 (Fla. 3d DCA 2002); Charlemagne v. Guevara, 183 So.3d 1261(3d DCA 2016); Jimenez v. State 201 So.3d 214 (Fla. 2d DCA 2016).

**Counsel of record for the defendant and the assigned Assistant State Attorney shall appear in person** at the Case Management Conference and shall be prepared to discuss the case with respect to:

- A. Discovery provided by the State (Rule 3.220(b)).
- B. Sentencing guideline scoresheet (Rule 3.701).
- C. Plea discussions and agreements (Rule 3.171) (Including advisability of pretrial diversion, drug court, etc.)

- D. Anticipated pretrial motions (Rule 3.190) including:
  - 1. Motions to dismiss
  - 2. Motions to suppress evidence or confession
  - 3. Motions to consolidate/sever
  - 4. Child hearsay motions
  - 5. Williams Rule Motions
  - 6. Daubert hearings
  - 7. “Stand Your Ground” motions
- E. Mental competency (Rule 3.210).
- F. Discovery depositions (Rule 3.220(h)).
- G. Scheduling date for Pretrial Conference
- H. Scheduling trial date

**Counsel of record means the attorney who has filed a Notice of Appearance or any other member of that attorney’s law firm. Other attorneys are not permitted to “cover” for counsel of record unless the attorney has filed a “Notice of Appearance.” See Rule 2.505(e), Rules of Judicial Administration. Also see Pasco County v. Quail Hollow Properties, 693 So.2d 82 (2 DCA 1997).**

**CASE MANAGEMENT CONFERENCE SCHEDULE**

- 9:00 AM – Public Defender Docket
- 1:30 PM – Private Attorney Docket

**\*NOTE, A SEPARATE COMPLEX CASE MANAGEMENT CONFERENCE IS SET FOR FRIDAYS AT 9:00am IMMEDIATELY FOLLOWING THE REGULARLY SCHEDULED CASE MANagements**

At the Case Management Conference, the Clerk shall issue a Scheduling Notice with the dates for pre-trial conference, calendar call and trial. **The defendant shall sign a receipt for the notice with the dates. Counsel of record is responsible for receiving a copy of this Notice at the Case Management Conference. Copies will not be mailed by the Clerk.**

**PRESUMPTIVE TRIAL DATES**

The following table of presumptive trial dates (calculated from the date of arrest) will be utilized as a standard by the Court in scheduling a trial date:

<u>Highest Felony Degree</u>	<u>Speedy Trial NOT Waived</u>	<u>Speedy Trial Waived</u>
3 <sup>rd</sup> Degree (Expedited)	150 Days	180 days
2 <sup>nd</sup> Degree (Standard)	165 days	240 days



1<sup>st</sup> Degree Or  
Higher  
(Complex)

175 days

360 days

Trial dates are subject to change depending upon specific situations which may arise from time to time, and the Court, in its discretion, may shorten or lengthen any applicable time periods or deadlines. The defendant's right to a speedy trial is governed by Rule 3.191.

Cases will generally be set either on a one (1) week complex trial docket or on a two (2) week standard trial docket. Counsel shall be ready for trial on the first day of the trial docket and each day thereafter unless excused by the Court. **Counsel shall notify their witnesses to stand ready for trial during the entire period of the trial docket.**

## **DISCOVERY AND DEPOSITIONS**

All discovery, including taking of depositions, shall be completed prior to the pre-trial conference. No continuances on the grounds of lack of time for completion of discovery or depositions will be approved by the Court unless a motion for continuance is filed and set for hearing on a regular motion calendar prior to the pre-trial conference. The failure of counsel to timely conduct discovery, including depositions, in anticipation of resolving the case by a plea, will not be considered good cause for a continuance of the trial date in the event a plea agreement is not reached or not accepted by the Court.

In accordance with Rule 3.220(h)(1)(D), no deposition shall be taken in a case in which the defendant is charged only with a misdemeanor or a criminal traffic offense unless good cause can be shown to the court.

All Law Enforcement agencies have now set a designated Court Liaison person who will coordinate depositions and accept service. Liaison Officers are as follows:

1. NPD – Anisa Bano: (239) 213-4287 or [abano@naplesgov.com](mailto:abano@naplesgov.com)
2. FWC – Alexandria James: (239) 417-6274 ext. 0 or [alexandria.james@myfwc.com](mailto:alexandria.james@myfwc.com)
3. FHP – Kristina Stewart: [Kristinastewart@flhsmv.gov](mailto:Kristinastewart@flhsmv.gov)
4. CCSO – Corry Gogia: (239) 252-0910 or [Corry.Gogia@colliersheriff.org](mailto:Corry.Gogia@colliersheriff.org)
5. MIPD – Sharon McCarthy: (239) 389-5050 or [sMcCarthy@marcoislandpolice.us](mailto:sMcCarthy@marcoislandpolice.us)

**\*\*Attorneys should coordinate with these designated officers to avoid delays.**

- Depositions should only be cancelled upon proper notice to the opposing lawyer and for good cause.
- Cases that will likely plea at the first case management date do not have to have depositions set by that case management date.
- Efforts should be made to avoid standard or expedited cases on complex dockets as depositions are often set around these dates.
- The last two days of every noncomplex (standard) trial cycle should be used as deposition dates. While those dates will be avoided as trial dates, all parties should understand this is not a firm rule. Trials will get set on those dates occasionally as necessary.
- Noncomplex case depositions should be set during the last two days of the trial cycle of the complex trial week. Complex case depositions should be set the last two dates of the trial cycle during the noncomplex trial cycle.

## **PRETRIAL CONFERENCE**

A Pretrial Conference will generally be scheduled for 9:00 a.m. for the Public Defender cases and 10:30 a.m. for the Private Attorney cases on the Tuesday prior to the assigned trial docket. Trial counsel for both the State and the Defense are required to attend the Pretrial Conference. Trial counsel means the attorney who will actually try the case.

Unless the defendant has signed a written waiver of appearance pursuant to Rule 3.180(a)(3) and 3.220(o)(1) Fla. R. Crim. P. (2016), the defendant shall attend the Pretrial Conference. Notwithstanding a written waiver of appearance, the Court may require (with notice), the attendance of the defendant for good reason, for example, to enable the Court to ascertain whether a plea agreement has been offered and if so, whether it has been, or is likely to be accepted, and to otherwise facilitate plea discussions and agreements in accordance with Rule 3.171. See Cruz v. State, 822 So.2d 595 (Fla. 3d DCA 2002); Charlemagne v. Guevara, 183 So.3d 1261(3d DCA 2016); Jimenez v. State 201 So.3d 214 (Fla. 2d DCA 2016).

Cases which are tentatively resolved at the pre-trial conference by a plea agreement will be heard at the end of the docket or will be set on a plea docket. If for any reason the plea is not concluded at that time or not accepted by the Court, counsel shall be prepared to proceed to trial as previously scheduled on that trial docket.

## **PRETRIAL MOTIONS**

All motions, including motions for continuance, shall be timely filed and hearings held prior to the pre-trial conference. Counsel shall comply with the Court's procedure regarding motions as set forth above.

At the hearing on a motion for continuance, counsel shall submit to the Court a proposed Order with blank lines for setting new dates for pre-trial conference and trial, together with sufficient copies for counsel and the bondsman, if any, and self-addressed stamped envelopes.

## **PLEAS**

Do NOT request the Court to set a case for plea until the State Attorney has provided an accurate sentencing guideline scoresheet and the defendant (in addition to defense counsel) has indicated his or her acceptance of the plea agreement offered by the State Attorney.

Cases may be set for plea by one of the following ways:

1. Setting a plea date in open court;
2. Contacting the Judicial Assistant to request the case be set on a particular plea date.
3. Utilizing the automated JACS system and scheduling the plea for designated plea dockets.

Cases which are set for plea will generally be set on a regular plea docket unless otherwise agreed to by the parties. Please check Judge Foster's Master Calendar for available plea dates. On cases in which a plea agreement is reached at the pre-trial conference, the plea will generally be heard at the end of the docket or will be set for the plea docket.

Open pleas to the Court (without a plea agreement) should be set on a special set calendar docket through the Judicial Assistant. Sentencings will generally be set on a plea docket.

The sentence will be imposed promptly upon acceptance of the plea. Except in cases involving payment of substantial restitution, do not request a deferred execution of the sentence.

A PLEA AGREEMENT WORKSHEET SHALL BE FULLY COMPLETED AND SUBMITTED TO THE COURT AT THE TIME OF THE PLEA. **Defense counsel shall calculate and insert in the worksheet the number of days of jail credit, if any. Upon timely request, a minimum of 48 hours in advance, the jail will fax to counsel a printout showing the number of days of jail credit.** This will assist the Court in correctly pronouncing the sentence and the Clerk in correctly preparing the judgment. See the Plea Agreement Worksheet in the Appendix (page 14).

## **VOP DOCKET PROCEDURES**

Generally, there will be a 9:00 a.m. VOP Sounding on Wednesdays, followed by VOP hearings at 1:30 p.m. Please check Judge Foster's Master Calendar for specific VOP dates.

If a plea has been negotiated, the Court will consider those cases on the morning docket. If your client is in custody and there is a negotiated plea, you must contact the jail at (239) 252-9736. You must call no later than 4:00 p.m. of the day BEFORE the scheduled court appearance. The bailiffs will not bring over clients for the purpose of case status or plea discussions with their attorneys. Attorneys should have these discussions at the jail or on the telephone beforehand. The bailiffs will not transport defendants in custody when the request is made on the same day as the scheduled court appearance, without express approval from the Court.

**ORDERS SUBMITTED by your office continuing a previously set Court date should be accompanied by a Stipulation or a letter of transmittal containing agreed upon dates for consideration by the Court and shall contain blank spaces for the Court to insert new dates and times for the hearing, conference, or trial as appropriate, and state at the end of the order who is to receive a copy. Please include the following (after the attorneys names who are to receive a copy):**

**“Court Team Leader, Felony Division, Clerk of Courts, to reset as stated above”**

**This will help the Clerk in the resetting of your case to the proper docket. Please remember to include additional copies for all parties, including an extra copy for the “Court Team Leader.”**

## **DUE PROCESS COSTS**

Except in special circumstances, the Court will only approve court reporter fees and other due process costs for indigent defendants in accordance with established rates promulgated by the 20<sup>th</sup> Judicial Circuit Indigent Services Committee (I.S.C.) and under the contractual requirements of the Judicial Administrative Commission (J.A.C.). For more information log on to [www.justiceadmin.org](http://www.justiceadmin.org) or call toll free: (866) 355-7906. Motions for approval of due process costs in excess of established rates must be set for hearing with notice to the State Attorney and J.A.C.

## COURTROOM DECORUM

All counsel, parties, witnesses and other persons in the courtroom shall comply with the Standards of Courtroom Decorum as set forth in Administrative Order No. 2.13, which may be found online at [www.ca.cjis20.org](http://www.ca.cjis20.org).

The following additional standards apply:

- Cell phones, pagers, etc. must be turned off before entering the courtroom.
- No talking during court proceedings
- No chewing of gum or tobacco
- No shorts or beachwear
- No hats or sunglasses
- Children must be quiet

# APPENDIX

# PLEA AGREEMENT WORKSHEET

State of Florida vs. \_\_\_\_\_ Collier Case  
 Nos. \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/200\_\_\_\_  
 ASA: \_\_\_\_\_ Defense Counsel: \_\_\_\_\_

CT	CHARGE	ADJ/WH/NP	SENTENCE (DOC/CC/DOP/SOP/SP/CCJ/CTS)
1			
2			
3			
4			
5			
6			

## SCORE SHEET

\_\_\_\_ Points Minimum Sentence: Non-State \_\_\_\_\_ DOC \_\_\_\_\_ Months Man. Min: \_\_\_\_\_ yrs.

## SENTENCING INFORMATION

- STATE PRISON  COUNTY JAIL  Days  Months  Year(s)  Time Served  Life  Death
- Minimum Mandatory Years  Jail time is a special condition of Probation/Community Control
- \_\_\_\_\_ Suspended upon  \_\_\_\_\_ Completion of Project Recovery
- Credit Time Served  \_\_\_\_\_ days  since \_\_\_\_\_  To begin serving on \_\_\_\_\_

## COMMUNITY CONTROL

- \_\_\_\_\_  
 Days  Months  Year(s) Community Control
- Revoked  Terminated  Reinstated to: \_\_\_\_\_

## PROBATION

- \_\_\_\_\_  
 Days  Months  Year(s)  Life Probation
- Revoked  Terminated  Reinstated to: \_\_\_\_\_

## PROBATION/COMMUNITY CONTROL CONDITIONS

- State  County  Administrative  Drug Offender  Sex Offender
- Defendant to report to probation  upon release from custody  within \_\_\_\_\_ hours  immediately
- D.L. Suspended  D.L. Revoked \_\_\_\_\_ Months \_\_\_\_\_ Years  May obtain work permit  May not obtain work permit
- Random Drug/Alcohol Testing at own expense  Substance abuse evaluation w/30 days, follow recommendations
- Psychological  Psychiatric Evaluation & follow recommendations  Blood Specimen  Aids Test  DNA Testing
- DUI School (appropriate phase)  Victim Impact Panel  Impoundment of Vehicle \_\_\_\_\_ days  Ignition Interlock \_\_\_\_\_ yrs.
- Parenting Class  Anger Management  Batters' Intervention Program
- \_\_\_\_\_ Hours community Service  May pay off  Electronic/GPS Monitoring at own expense
- No contact with victim \_\_\_\_\_  No Trespass \_\_\_\_\_
- Same Terms & Conditions previously ordered
- Curfew - 10pm-6am or \_\_\_\_\_  No possession or consumption of alcoholic beverages
- Not to enter any establishment that primary sells alcohol  No alcoholic beverages in residence
- If not a U.S. Citizen, may be deported by I.C.E.  Special conditions \_\_\_\_\_

## FINES, COSTS, FEES, RESTITUTION, ETC.

- \$ \_\_\_\_\_ Fine + 5% +\$20 Crimestoppers  \$ \_\_\_\_\_ Court Costs  Composite Costs
- \$ \_\_\_\_\_ Prosecution Costs  \$ \_\_\_\_\_ Investigation Costs  Collections Program
- \$40.00 Public Defender Application Fee  \$ \_\_\_\_\_ Public Defender Fees  \$ \_\_\_\_\_
- Use Cash Bond for Fines and Fee  Community Service in lieu of Fines  Court Costs Waived
- Restitution \$ \_\_\_\_\_ to \_\_\_\_\_ at \$ \_\_\_\_\_ per month
- Court orders restitution and reserves Jurisdiction to determine amount
- All costs to be paid within first \_\_\_\_\_ days/months of probation/community control

## CONSECUTIVE/CONCURRENT SENTENCES

- Consecutive Count(s): \_\_\_\_\_ Case(s): \_\_\_\_\_  any sentence now serving
- Concurrent with Count(s): \_\_\_\_\_ Case(s): \_\_\_\_\_  any sentence now serving