

**ORDER RELATED TO CASE MANAGEMENT,
PRE-TRIAL CONFERENCES and STATUS CONFERENCES**

This Order follows the issuance of the Florida Supreme Courts ADMINISTRATIVE ORDER No. AOSC20-23 *Amendment 1* IN RE: COMPREHENSIVE COVID-19 EMERGENCY MEASURES FOR THE FLORIDA STATE COURTS. To maintain judicial workflow to the maximum extent feasible, chief judges have been directed to take all necessary steps to facilitate conducting proceedings with the use of technology. Judges and court personnel who can effectively conduct court and judicial branch business from a remote location **shall** do so. Included in proceedings now authorized to be held using available technology are (a) status, case management, and pretrial conferences, and (b) non-evidentiary and evidentiary motion hearings.¹

Pursuant to ORDER No. AOSC20-23 *Amendment*, Case Management Conferences (CMC), Pre-Trial Conferences (PTC) and Status Conferences shall commence on Monday, June 1, 2020. All parties were advised that this Order will henceforth control those proceedings and that Strict Compliance with this Order is required.

CASE MANAGEMENT CONFERENCE

(A) In-custody Defendants

- All in-custody defendants shall appear remotely via Polycom video from the Charlotte County Jail;
 - Negotiated pleas will be taken during CMC's as long as the necessary paperwork has been previously provided to the defendant's seeking to resolve their case(s). Please contact Judge Mason's Judicial Assistant, Jess Gibbs if a plea is anticipated.

¹ Problem-solving court staffing, hearings, and wellness checks are also allowed. However, evaluations for appropriateness findings for those programs remain prohibited.

- Counsel of record (both state and defense) **may** appear remotely via Zoom Video Conferencing. Judge Mason’s Zoom Personal Meeting ID (PM) will be provided by E-mail to all counsel at least one day prior to the scheduled CMC. Counsel shall contact Ms. Gibbs to obtain his PM ID if misplaced.
 - In regard to appearance by State Attorney: If the docket is being covered by one ASA, please contact Ms. Gibbs and inform her as to who that ASA will be.
- Defendants will be scheduled for appearance by attorney representing them. Contact Ms. Gibbs regarding any special accommodations i.e. interpreter services, etc., that may be required prior to CMC.

(B) Out of Custody Defendants

- Counsel for out of custody defendant are **strongly encouraged** to file written waivers of appearance. Defendants will not be allowed to be physically present in courtrooms until further notice.
 - Absent a written waiver, counsel will be asked about contacts with his/her client prior to the CMC.
- Counsel of record (both state and defense) **SHALL** appear remotely via Zoom Video Conferencing. Judge Mason’s Zoom Personal Meeting ID (PM) will be provided by E-mail to all counsel at least one day prior to the scheduled CMC. Counsel shall contact Ms. Gibbs to obtain his PM ID if misplaced.
- Defendants will be scheduled for appearance by attorney representing them. Specific time blocks will be assigned to each attorney of record. Private Counsel should contact Ms. Gibbs regarding unavailability.

(C) Subject matters to be discussed at CMC

All parties participating in CMC shall be prepared to discuss the following:

- a) That a plea offer has been made by the State to the Defense;
- b) Status of negotiations vis-à-vis pending plea offers;
- c) Status of discovery pursuant to Fla. R. Crim. P. 3.220 including, but not limited to,
 - a. Have all state witnesses been disclosed to defense?
 - b. Has the state received the defendant’s written list of the names and addresses of

all witnesses whom the defendant expects to call as witnesses at the trial or hearing?

- c. The number of depositions anticipated by the defense?
 - i. Law Enforcement
 - ii. Civilian – Category A
- d. The number of depositions of law enforcement officials already conducted?
- d) Anticipated Pretrial Motions pursuant to Rule 3.190.
 - a. All pretrial motions are to be filed no later than 10 day prior to date of pretrial conference. (PTC date to be set at CMC). Hearing time will be made available prior to trial call.
 - b. Any party wishing to have motions heard must coordinate a hearing with the JA and all other counsel and file a formal Notice of Hearing with copies to counsel. Only motions that have been previously filed and served at least five days before the hearing date will be heard. Courtesy copies of the motions as well as any case law must be provided to the Court at least 3 days before the hearing.
 - i. Emergency matters must be submitted to the Court in writing prior to setting a hearing. The Court will determine if a hearing needs to be set on an emergency basis.
- e) Anticipated “DAUBERT” (Sec. 90.702) Issues
 - a. Any Daubert issues must be brought to the Court’s attention as soon as they become apparent but in no event later than 30 days before pre-trial. Such issues may require evidentiary hearings, therefore, all objections must be scheduled for and heard no later than 10 days before the Trial Call
- f) Waiver of Speedy Trial?
- g) Time necessary for preparation before setting case for Pre-trial conference?

PRETRIAL CONFERENCES

(A) In-custody Defendants

- All in-custody defendants shall appear remotely via Polycom video from the Charlotte

County Jail;

- Negotiated pleas will be taken during PTS'S as long as the necessary paperwork has been previously provided to the defendant's seeking to resolve their case(s). Please contact Judge Mason's Judicial Assistant, Jess Gibbs if a plea is anticipated.
- Counsel of record (both state and defense) **may** appear remotely via Zoom Video Conferencing. Judge Mason's Zoom Personal Meeting ID (PM) will be provided by E-mail to all counsel at least one day prior to the scheduled CMC. Counsel shall contact Ms. Gibbs to obtain his PM ID if misplaced.
 - In regard to appearance by State Attorney: If the docket is being covered by one ASA, please contact Ms. Gibbs and inform her as to who that ASA will be.
- As with CMC's, Defendants will be scheduled for appearance by attorney representing them. Contact Ms. Gibbs regarding any special accommodations i.e. interpreter services, etc., that may be required prior to CMC.

(B) Out of Custody Defendants

- Appearance of defendants is hereby waived (predicated on a prior filing of written waivers of appearance). Defendants will not be allowed to be physically present in courtrooms until further notice.
- Counsel of record (both state and defense) **SHALL** appear remotely via Zoom Video Conferencing. Judge Mason's Zoom Personal Meeting ID (PM) will be provided by E-mail to all counsel at least one day prior to the scheduled CMC. Counsel shall contact Ms. Gibbs to obtain his PM ID if misplaced.
- Defendants will be scheduled for appearance by attorney representing them. Specific time blocks will be assigned to each attorney of record. Private Counsel should contact Ms. Gibbs regarding unavailability.

(C) Subject matters to be discussed at PTC

All parties participating in PTC shall be prepared to discuss the following:

- a) Status of negotiations vis-à-vis pending plea offers;
- b) Status of discovery pursuant to Fla. R. Crim. P. 3.220 including, but not limited to,


- a. The number of remaining depositions anticipated by the defense?
 - i. Law Enforcement
 - ii. Civilian – Category A
- b. The number of depositions already conducted?
- c) Hearing dates for already filed Pretrial Motions pursuant to Rule 3.190.
- d) Any legal or procedural matters that have not been discussed which need to be addressed by the Court.
- e) Time necessary for preparation before setting case for trial call?

STATUS HEARINGS

Any party, or the Court on its own motion, may file a Motion seeking a Status Hearing at any time prior to Trial Call. Please contact Jess Gibbs, Judge Mason’s Judicial Assistant for available dates. Counsel must appear via Zoom at the Status Hearings unless prior approval to appear in person is granted by the Court.

Status Conferences may also be scheduled by Counsel to handle any discovery disputes including Motion to Compel and requests for Order to Show Cause. Attorneys are reminded that they should make efforts to resolve discovery issues with opposing counsel prior to filing motions with the Court.

DONE AND ORDERED at Charlotte County, Florida on this MAY 11 2020 .



Donald H. Mason