

**PRACTICE PREFERENCES**  
**JUDGE GREGORY G. GROGER**

CIRCUIT CRIMINAL SECTIONS 1 & 2

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## **I. CONTACTING THE COURT, JUDICIAL ASSISTANT**

All contact with Court or the judicial assistant should be by email to [CrCrimE1@jud6.org](mailto:CrCrimE1@jud6.org)

## **II. USE OF AUDIO-VIDEO COMMUNICATION TECHNOLOGY**

### **1. Pretrial Conferences**

Florida Rule of General Practice and Judicial Administration 2.545 provides that “[j]udges and lawyers have a professional obligation to conclude litigation as soon as it is reasonably and justly possible to do so. However, parties and counsel shall be afforded a reasonable time to prepare and present their case.”

The Court views Pretrial Conferences as being a critical event in fulfilling this obligation. It has been the Court’s experience that counsel’s and/or defendant’s appearance at Pretrial Conferences by audio-video communication technology interferes with rather than advances the conclusion of litigation as soon as it is reasonably and justly possible to do so.

For this reason, the Court utilizes audio-video communication technology for Pretrial Conferences sparingly and only in instances where circumstances have arisen that are outside of counsel’s control and anticipation and prohibit in-person appearance.

In requesting appearance by an attorney at a Pretrial Conference by audio-video communication technology, the attorney must send a request by email to the Court’s judicial assistant that is copied to the assigned assistant state attorney requesting appearance by audio-video communication technology. The email should identify the circumstances that prohibit the attorney’s in-person appearance. If the appearance through audio-video communication technology is approved, the Court’s judicial assistant will provide a Zoom meeting link by email.

PLEASE NOTE THAT A SCHEDULING CONFLICT WITH APPEARANCES IN OTHER COURTS IS **NOT** A SUFFICIENT CIRCUMSTANCE TO WARRANT APPEARANCE BY AUDIO-VIDEO COMMUNICATION TECHNOLOGY.

## 2. Non-evidentiary motions / Status Checks

In-person appearance by counsel or the defendant is generally not required for status check hearings (i.e. PTI/DVP status checks, competency status checks). In these instances, appearance by audio-video communication technology will be approved.

## 3. Evidentiary Hearings

In-person appearance by counsel and the defendant is required for evidentiary hearings.

Florida Rule of Criminal Procedure 3.116 governs the use of Audio-Video Communication Technology for witness testimony. This rule requires the consent of both parties and approval of the court. Any party seeking to call a witness by means of Audio-Video Communication Technology should first obtain the stipulation of opposing counsel and then provide the stipulation with a motion to the court identifying the basis for the necessity of Audio-Video Communication Technology.

## 4. Decorum

Anyone appearing for any proceeding by audio-video communication technology must conduct himself or herself in the same manner as though the appearance were in person. This includes being physically in a location secluded from audio or video interference or distraction and wearing appropriate courtroom attire.

### III. DOCKETS, CALENDARS, and SETTING A CASE FOR HEARING

1. To request a case be set on a calendar, contact the judicial assistant at [CrCrimE1@jud6.org](mailto:CrCrimE1@jud6.org) and provide the following information:
  - Case name
  - Case number
  - Motion to be heard. All motions must be filed prior to setting a hearing. Attach to the email a copy of the motion that shows a filing timestamp. If the motion is an emergency, it should indicate that it is an emergency and state the basis for emergency action.
  - Confirmation that opposing counsel has been consulted and whether opposing counsel agrees or objects to the motion.
  - Amount of time needed
  - Name of assigned Assistant State Attorney and Defense Counsel
  - Date of next Pretrial Conference  
(Hearings of less than 15 minutes will be set in conjunction with the next Pretrial Conference, which is typically within 30-45 days. If an earlier date is requested, provide the reason why a sooner hearing is necessary.)

NOTE: Calendars will close seven (7) days in advance and no additional cases will be added, except in emergencies. This is to allow all stakeholders ample opportunity to be prepared.

2. The Court has Pretrial and Motion calendars at 8:30am and 1:30pm every Monday, Tuesday, and Wednesday of non-trial weeks. Cases will be scheduled on the session in which the assigned Assistant State Attorney will be in court. Cases will be called in the following order:
  - Private counsel appearing in person.
  - Private counsel appearing remotely.
  - Public Defender cases.
  - Pro Se cases.
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### 3. Arraignments

- Monday afternoon on non-trial weeks
- If a written plea of not guilty is filed, the appearance of defense counsel and the defendant is waived
- Cases will not be resolved at Arraignment, unless by agreement with the State Attorney's Office.

### 4. VOP Arraignments

- Monday afternoon
- Appearance by defense counsel is required.
- The case may be resolved. If not resolved, it will be set for VOP-PTL.

### 5. Motions

- Motions less than 15 minutes in duration will be set on the day the assigned ASA is in court.
- Counsel should consult with the assigned ASA prior to setting the motion for hearing.
- Motions for contact must be filed by the protected party. Motions filed by someone other than the protected party will not be set for hearing.
- Evidentiary motions should be scheduled according to the procedures indicated above. The assigned ASA must be included in any request to set a motion requiring an evidentiary hearing for purposes of scheduling and advising if the requested hearing time is sufficient.

#### **IV. TRIALS and TRIAL CALENDAR CALL**

- In-person appearance by the Defendant and counsel of record are required at the Calendar Call
- Prior to the Calendar Call, the Court's judicial assistant will send an email to all counsel identifying the trial priority.
- Trials may be transferred to the backup judge as available.
- At the trial calendar call, counsel for the State and defense should be prepared to discuss the following:
  - Change of Plea:  
NOTE – All parties and their counsel should be aware that the Calendar Call will be the last opportunity to enter into a negotiated plea, absent exceptional circumstances.
  - Priority of the trial
  - Assigned judge
  - Amendments to Information / Indictment
  - Verification of witness availability
  - Motions to Continue
  - Motions in Limine
  - Number of jurors needed for voir dire

- Below are the trial dockets for 2023:

Trial Week (beginning either Monday or Wednesday)	Trial Calendar Call
January 9	January 5
January 23	January 19
February 6	February 2
February 20	February 16
March 6	March 2
March 20	March 16
April 10	April 6
April 24	April 20
May 8	May 4
May 22	May 18
June 19	June 16 (Friday)
July 10	July 6
July 24	July 20
August 14	August 10
August 28	August 24
September 11 (four day trial week)	September 7
September 18	September 14
October 9	October 5
October 23	October 19
November 6	November 2
December 4	November 3