

**JUDICIAL PRACTICE PREFERENCES
CRIMINAL SECTIONS**

THE HONORABLE ROBERT G. DITTMER

DISCOVERY ISSUES

Opposing counsel must confer and make a good faith attempt to resolve discovery matters without a hearing. If a hearing is necessary, it should be scheduled either in open court with opposing counsel present or with the Judicial Assistant and prior agreement of opposing counsel. Any amended charging document, witness list, or evidence list filed within seven (7) days of the date of trial shall require prior authorization of the Court.

PRETRIAL CONFERENCE

Sign-Up List: As a courtesy to attorneys who appear in multiple divisions, attorneys not assigned to the division may sign up in court, prior to the start of the court session. E-mailed submissions asking to be placed on a sign-up list will not be accepted. If an attorney is not present when his or her case is called, the Court will continue down the sign-in list and call that attorney's case when he or she returns to the courtroom. Attorneys assigned to the division should be prepared to discuss their cases at the beginning of the court session and will be allowed to call their cases if there are no other attorneys ready.

Defendant's Presence: The Defendant's presence at a pretrial conference may be waived pursuant to Florida Rules of Criminal Procedure 3.180. The Defendant must be present if required by Court, regardless of any previous waiver. The Defendant's presence should not be waived if counsel has not had an opportunity to discuss the case with him or her. The Defendant's presence may not be waived if speedy trial has not or will not be waived and the case will be set for a trial.

Plea Negotiations: Plea negotiations may be made between the Defendant and the State in advance of or at the pretrial conference. A Defendant may make offers to the Court but the Court will not engage in plea negotiations unless specifically invited to do so by the Defendant. Any plea offers should be placed on the record. Please do not ask to approach the bench with a plea form on a negotiated plea until the terms of the negotiation have been shared with the Court and the Court has agreed to accept the negotiated plea.

Continuances: Attorneys may file a written motion and order to continue a pretrial conference no later than noon on the Friday of the week prior to any pretrial conference. Motions must fully set forth grounds necessitating the continuance, contain a waiver of speedy trial, and must be with the consent of opposing counsel. Oral motions are acceptable and will be considered in open court during the pretrial conference. Oral motions will also be accepted in open court prior to the pretrial conference as long as opposing counsel is present and the clerk is made aware in advance.

Zoom: Pursuant to Rule 3.116 (c)(1) request may be made to appear for a non-evidentiary pretrial hearing scheduled for 30 minutes or less, and will be granted unless the Court has good cause to deny it. For other hearings, an attorney or Defendant may appear via Zoom for good cause with prior approval of the Court. Approval may be obtained by contacting the Judicial Assistant prior to the date of the hearing. All persons appearing on Zoom, including attorneys, must be appropriately dressed for court and behave as if present in court. No future Zoom appearances will be permitted if these guidelines are not followed.

Pleas in Absentia: Pleas in absentia shall be provided with a notarized signature and fingerprints and with prior approval of the State as to all conditions. If the parties do not have an agreed-upon disposition, please notify the Court prior to preparing a plea in absentia so that any sentencing issues may be addressed.

Miscellaneous Issues: The Court will not discuss any aspect of a case, except scheduling matters, unless counsel for both the State and Defendant are present.

PRETRIAL MOTIONS

Filing of Motions: Attorneys must provide the Court with a courtesy copy of any motion filed through the E-Portal. Courtesy copies may be provided by fax, e-mail, or in open court. Absent good cause, all pretrial motions (motions to modify conditions of pretrial release, removal of CAM, etc.), motions to dismiss, motions to suppress, motions in limine, pretrial evidentiary matters, etc. must be filed at least two (2) days before the calendar call. Absent good cause, motions filed on the day of or after the calendar call will not be considered timely.

Scheduling of Hearings: *Ore tenus* motions will be considered, when appropriate, with consent of opposing counsel. Hearings for motions to suppress will not be scheduled without a written motion being filed and copies provided to the Court and the State. If a motion has not been heard prior to the calendar call, attorneys will be prepared to litigate any remaining issues on the day of the calendar call unless good cause is shown. Absent good cause, no substantive motions will be heard after the calendar call.

Continuances: Motions to continue a motion hearing must be made as soon as practicable after an attorney becomes aware of the need for a continuance.

Defendant's Presence: Absent prior Court approval and good cause, the Defendant must be present for all motion hearings. Cases will also be set for a pretrial conference at the same time as substantive motion hearings. If a ruling is made at the time of the motion hearing, attorneys should be prepared to discuss the case and the Defendant should be prepared to resolve the case or set it for trial.

Change of Plea Hearings: Hearings for a change of plea should only be set if the attorney has spoken with his or her client in advance and has a good-faith basis to believe that the Defendant wishes to change his or her plea.

TRIALS

Motions to Continue: Absent good cause, motions to continue a trial must be filed in writing at least one (1) week prior to the calendar call. A motion to continue a trial will be heard as soon as practicable.

Motions in Limine: Motions in limine should be discussed by the parties prior to any request for hearing time to determine which, if any, parts of the motion require resolution by the Court. Generally speaking, motions requiring less than 15 minutes of hearing time will be heard on the morning of the trial. Parties must seek a hearing time at least one week prior to the trial for motions anticipated to require more than 15 minutes of hearing time.

Day of Trial: Defendants will be sentenced at the time of their plea or after a guilty verdict at the conclusion of the trial.

Voir Dire: The Court will initiate voir dire. Attorneys for the State and Defendant will be given a reasonable amount of time to inquire of the venire. The Court may place reasonable time constraints on voir dire, depending upon the complexity of the case. Attorneys will not attempt to taint a venire. If the parties consent, challenges for cause may be made at the bench during voir dire. Any member of the venire released for cause will not be excused until the end of voir dire or at an appropriate break in the proceedings. Attorneys shall not ask those members of the venire excused for cause any further questions during voir dire.

Jury: Attorneys and the Defendant should remain standing when the jury enters/exits the courtroom.

Objections: No speaking objections should be made at trial. An attorney making an objection should stand and state the legal basis of an objection only. The Court will determine if it is necessary for further discussion or argument at the bench, however the attorneys may ask to approach. Attorneys should at all times address arguments and comments to the Court, not to each other.

Conduct of Trial: Attorneys shall have the clerk pre-mark any exhibits to be introduced at trial. Attorneys will show exhibits to opposing counsel before approaching a witness. Attorneys should request permission to approach the bench, witnesses, or the clerk.