

# **JOSEPH A. POBLICK**

**COUNTY COURT JUDGE/ COUNTY ADMINISTRATIVE JUDGE**

**COUNTY CRIMINAL SECTIONS: 10 & 14 / CIVIL COURT SECTION: 11 (LOCAL  
ORDINANCE VIOLATIONS/PARKING TICKETS**

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**Any Notice of Hearings Orders/Motions and other non-urgent documents must be either mailed or hand-delivered to the Judge's office.**

Please note: Judge Pobllick has written the below practice preferences, which are an effort to codify the procedures that are currently in effect. These are meant to be guidelines to facilitate the efficient movement of cases through the section(s) over which Judge Pobllick presides. These guidelines do not relieve anyone from adhering to any statutory and/or procedural requirements nor any requirements found in the Administrative Orders of the Sixth Judicial Circuit. Additionally, these practice preferences are subject to change. Judge Pobllick will make every effort to ensure that changes are widely available, and with as much notice as possible.

## INSTRUCTIONS AND JUDICIAL PRACTICE PREFERENCES

### Communication with Chambers

- The Judicial Assistant is not permitted to answer legal questions, give advice, or explain your situation to the Judge. Your opportunity to speak to the Judge happens in Court only.
- The Judicial Assistant is typically available from 8:00 AM – 12:00 PM and from 1:00 PM – 5:00 PM Monday –Friday, excluding court holidays. (This schedule may change/vary). Although the Judicial Assistant may send communications outside of these hours, the Judicial Assistant may not respond to incoming communications.
- Communications and submissions of documents via e-mail will only be accepted after speaking to the Judicial Assistant via phone first. All motions and pleadings **MUST** be filed with the Clerk of Court first.
- Substantive *ex-parte* communications sent to the Court, regardless of how they are sent, will be filed in the Court file. Communications solely related to the schedule of hearings are not substantive.
- Please be advised that all e-mail communications sent to the Court are subject to public records requests.

### Pre-Trial Conferences

#### Sign-up List

- Because most Pre-Trial Conferences are conducted on mass-motion dockets, and as a courtesy to attorneys who appear in multiple courtrooms/locations, attorneys not assigned to Judge Poblick's division may sign up in court, **prior to the start** of the court session.
- If an attorney is not present when their case is called, the Court will continue down the sign-up list and call the attorney's case when they return to the courtroom.
- Attorneys assigned to the division should be prepared to address their cases at the beginning of the court session.

#### Defendant's Presence

- Unless Properly waived pursuant to Rule 3.180, defendants shall be present at all pre-trial conferences.
- A defendant must be present if required by Court, regardless of any previous waiver.
- A defendant's presence **should not** be waived if counsel has not had an opportunity to discuss the case with them.
- A defendant's presence **may not** be waived if speedy trial has not or will not be waived and the case will be set for trial.
- Defendants must be present at the calendar call prior to their trial.

#### Plea Negotiations

- Plea negotiations may be made between the defendant and the State in advance of or at the pre-trial conference.
- A defendant may make offers to the Court.

- Any plea offers should be placed on the record.
- The Court reserves the right to reject any negotiated dispositions between the parties.
- The Court will not accept any plea negotiations **after** calendar call and the case is already set for trial.

### **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 with the Judicial Assistant and prior agreement of opposing counsel.

### **Continuances**

- Generally, the Court will not accept *ex-parte* motions to continue pre-trial conferences.
  - With the express assent of the opposing party, attorneys may file a written motion and order to continue a pre-trial conference **no later than noon on the Friday of the week prior to any pre-trial conference.**
  - Motions must fully set forth grounds necessitating the continuance in detail, contain a waiver of speedy trial, and must be with the consent of opposing counsel. However, consent of opposing counsel does not guarantee a continuance will be granted.
  - Oral motions are acceptable and will be considered in open court during the pre-trial conference.
  - Oral motions will also be accepted in open court **prior** to a pre-trial conference, as long as opposing counsel is present and the Clerk of Court is made aware that the matter will be addressed in advance.
  - Only Motions to continue may be emailed to the Judicial Assistant, otherwise prior approval is needed.
  - Due to the size of the Court's dockets, motions to continue a pre-trial conference hearing must be made (e-filed and then contact Judicial Assistant) as soon as practicable after an attorney becomes aware of the need for a continuance.

### **Miscellaneous Issues**

- The Court will not discuss any aspect of a case, except scheduling matters, unless the assigned counsel for both the State and the defendant are present.

### **Filing of Motions**

- As it may take several days for a motion to appear on the docket, attorneys shall provide the Court (Judge's office) with a courtesy copy of any motion E-filed through the Clerk's E-Portal. Judge Poblick reviews **ALL** motions prior to them being set for a hearing. Once approved, the Judicial Assistant will then contact the attorney to schedule a hearing.
- **ALL** hearings are held in-person.
- Courtesy copies may be sent to the Judicial Assistant via US Mail, provided in open court, or dropped off to chamber's mailbox.

- Again, only under specific circumstances and if it is of an urgent matter, will any motions be e-mailed and only with prior approval by the Judicial Assistant first.
- Absent good cause motions (Motions to dismiss, Motions to suppress, Motions in limine, pre-trial evidentiary matters, etc.) must be filed at least fifteen (15) days before trial. Any absent good cause motions filed within fifteen (15) days of trial will not be considered timely.

### **Scheduling of Hearings**

- A motion must be E-filed prior to requesting for a hearing.
- Generally, non-substantive motions (most bond motions, motions filed pursuant to Rule 3.134, motions to compel, motions with brief legal argument only, etc. may be scheduled for a hearing with the Judicial Assistant.
- Hearings will not be scheduled without a written motion being filed and copies provided to the Court and the State.
- When appropriate, and with consent of opposing counsel, some *ore tenus* motions will be considered in open court.
- If a motion has not been heard prior to the trial, attorneys should be prepared to litigate any remaining issues on the day of trial, unless good cause shown.

## **TRIALS**

### **Pre-trial Order**

- In certain cases, the Court may file a pre-trial order when a case is set for Trial.
- The parties must comply with any Order setting a case for Trial.
- Failure to comply with an Order setting a case for Trial may result in sanctions for that party, such as the exclusion of witnesses/evidence, the waiver of motions, or other penalties as set forth in any such order.
- Regardless of whether the Court enters a pre-trial order, any amended charging document, witness list, or evidence list filed within fifteen days of the date of trial shall require *prior* authorization of the Court.

### **Motion to Continue**

- Absent good cause motions to continue trial **MUST** be filed in writing at least two weeks prior to the trial.
- A motion to continue a trial will be heard as soon as practicable.

### **Calendar Call/Final Court Appearance Before Trial**

- Generally the Court will schedule a calendar call prior to the Trial.
- Unless specifically permitted by the Court in advance, the Defendant must appear at the calendar call prior to trial.
- Absent the Court's approval or good cause, the Defendant's failure to appear at the calendar call prior to Trial shall result in a *capias* being issued and the case being removed from the trial calendar.

- At the setting of Trial, the Court will issue a binding trial order. Counsel are expected to have read and follow the Order.

### **Voir Dire**

- The Court will initiate voir dire.
- Attorneys for the State and the 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.
- Additionally, if the parties consent, they may stipulate to release/excuse a member of the venire.
- 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. So, as to avoid the possibility of tainting the venire, attorneys should not ask those excused/caused members of the venire any further questions, nor let them speak, during the remainder of voir dire.

### **Jury**

- Attorneys and the defendant should remain seated 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 the bench to make additional argument.
- Attorneys should at all times address arguments and comments to the Court, not to each other.

### **Conduct of Trial**

- Attorneys shall have the Court 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.
- Attorneys will not approach the jury unless given permission by the Court.
- Defendants will be sentenced at the time of their plea or after a guilty verdict at the conclusion of trial.

### **Appearance/Conduct at Hearings**

- It is expected that all parties and litigants will adhere to Sixth Judicial Circuit Administrative Order 2024-010 PA/PI-CIR.
- All persons appearing before the Court shall be in appropriate attire.

- Shorts and/or sleeveless shirts are not permitted. Absent prior authorization from the Court, hats must be removed in the courtroom.
- Do not chew gum in the courtroom.
- Do not sleep in the courtroom.
- Electronic devices may not be used in the gallery.
- To maintain proper decorum, and to avoid distractions, the Court reserves the right to remove those who fail to comply with these instructions.

### **Scheduling Conflicts and Coverage Counsel**

- If an attorney is unable to appear for a scheduled hearing, coverage counsel is permissible. However, coverage counsel **should be fully aware** of all relevant matters related to the case. Coverage counsel **must** also be aware of the attorney's schedule and capable of scheduling future hearings, if needed.
- In accordance with Rule 2.550, if an attorney is scheduled to appear in two different courts at the same time, they should arrange for other counsel to represent their client's interests.
- If an attorney is unable to arrange for coverage counsel due to conflicting court appearances, the attorney shall give prompt written notice of the conflict to opposing counsel, the Clerk of Court, and the presiding Judge of each case, if known. The Court will confer with the other Judge in an effort to avoid the conflict.

### **Substitution/Withdrawal of Counsel**

- Florida Rule of Judicial Administration 2.505(e)(3) requires that the client agree in writing to a request of substitution of counsel.
- Judge Poblick will not consider proposed orders approving a stipulation for substitution of counsel without the written consent of the client.
- A party may consent to the substitution under oath before the Court and file their written consent at a later date; however, the Court will not schedule a hearing solely on this matter.
- Court-appointed counsel with an ethical conflict should submit their motion to withdraw to the Chief Judge.
- Privately retained counsel seeking to withdraw from a case shall file a motion, request a hearing date from the Judicial Assistant, properly notice their client.
- The Court may consider proposed orders for withdrawal of privately retained counsel in chambers if accompanied by a motion and a stipulation signed by all parties. However, if no signed stipulation is provided, a hearing shall be required.
- The substitution or withdrawal of counsel, in and of itself, may not constitute good cause for a continuance.

### **Remote Appearances/Proceedings**

- In accordance with Rules 2.530 and 3.116, the use of communication technology is permissible for remote appearances and pre-trial and status conferences.
- As the Court's dockets are large, and court sessions busy, and in an effort to minimize unnecessary distractions of the Court's Judicial Assistant, any request to

appear remotely at a pre-trial conference **must be made at least one week prior** to the scheduled pre-trial conference.

- Untimely requests to appear remotely, absent good cause shown, will not be permitted.
- As most pre-trial conferences are conducted during mass motion calendars, sometimes with a large number of cases to be called, remote appearances will be taken at the Court's discretion and when time permits.
- All participants appearing remotely should be ready and available when the court is ready to call the case. **Do not contact chambers to advise the Court's Judicial Assistant that a participant is waiting or ready for the case to be called.**
- The Court reserves the right to require a defendant to appear in person and if so, the appearance cannot be waived.
- Remote appearances are not permissible for appearances where the Court has directed a "mandatory" appearance.
- Absent prior court approval, remote appearances are not permissible for the final scheduled pre-trial prior to trial.

### **In All Matters**

- Any remote appearances will be by way of the Court's telephonic hearing line.
- Matters requiring the taking of testimony shall be conducted in person.
- It is also the attorney's/self-represented party's responsibility to share any guideline info (ex. Conference line number, additional instructions for hearing, etc) with invitees and ensure their compliance.
- No authorized recording of hearings are permitted. This includes but is not limited to audio recording/video recording.
- All participants should dress appropriately and govern themselves accordingly as if appearing in-person.
- Participants should make their best efforts to limit background noise. Participants should keep themselves muted when not talking to avoid disruptions.

### **Considerations Regarding Remote Appearances**

- Due to nature of a criminal division, including large dockets and a frequent inability to speak with either their client or the assigned prosecutor, the Court strongly suggests that attorneys request remote appearances sparingly.
- Remote appearances should not be utilized for older cases or where a defendant is in custody.
- The manner of remote appearance is within the discretion of the Court.
- Should the Court believe that an attorney is misusing the ability to appear remotely, or by doing so causing unnecessary delay, or otherwise frustrating the efficient handling of a case, the Court may find good cause to decline such future requests from that attorney.
- When setting future hearings, the Court may require the in-person attendance of either the Defendant or their counsel. Absent good cause, such a requirement will prevent the ability for a remote appearance.
- A failure to appear during a remote proceeding may nonetheless result in the Court issuing a capias.
- Generally, remote appearances are held at the end of the calendar. However, participants appearing remotely should be ready for the case to be called at **ANY** time after the start of the calendar, as Court may predict when cases will be ready to be called or how long a calendar it will take.

## **Calendar**

- Typically, trials are conducted every other week and include three trial days. During trial weeks, Judge Poblick's trial days are typically Monday-Wednesday (with Calendar call the week prior) and regular calendars Thursday and Friday. Trials begin at 8:00a.m. VOP Final Hearings start at 8:30a.m and VOP Arraignments at 1:00p.m. Morning calendars start at 9:00a.m. unless otherwise listed and afternoon calendars typically start at 1:30p.m. also unless otherwise listed. Judge Poblick makes every effort to take the bench promptly. Parties should be ready to address all cases at the scheduled hearing time.
- Generally, the Court's Judicial Assistant will schedule non-substantive motions and Judge Poblick will schedule substantive motions in open court with Counsel present.