

**IN THE CIRCUIT COURT, THIRD JUDICIAL CIRCUIT
IN AND FOR SUWANNEE COUNTY, FLORIDA**

STANDING PRETRIAL ORDER FOR CRIMINAL CASES

In an effort to promote uniformity, consistency, and professionalism within this division, the Court hereby enters this Pretrial Order, which shall, consistent with the Florida Rules of Criminal Procedure govern the manner and methods by which attorneys shall practice in this Court. For good cause shown, this Court may modify or waive these procedures on an individual basis.

ARRAIGNMENT AND PRE-TRIALS

At Arraignment, the State shall be prepared to advise the Court of the following:

- a) the Defendant's sentencing guidelines;
- b) the State's offer, if one is to be made;
- c) the speedy trial date;
- d) whether discovery has already been provided and if not, the reason why it has not already been provided

At Arraignment, the Court will pass the case for a Pre-Trial conference, approximately 6-8 weeks later and also set a tentative trial date that comports with Speedy Trial deadlines.

MOTIONS FOR CONTINUANCE

Motions for continuance shall be in writing and filed prior to the pretrial date. If a party has already been granted a prior continuance of the trial, any further motion for continuance must be set for hearing. Any motion for continuance shall include a description of prior continuances of the case and reason for the continuance.

DISCOVERY MOTIONS

Motions to Compel Discovery should be filed within 10 days after the discovery should have been produced. Motions to complete discovery should be filed within 10 days after the incomplete discovery was provided. Counsel shall act diligently to obtain the discovery sought and shall promptly notify the opposing counsel of any outstanding discovery request. The failure to do so shall be considered in determining what remedy or sanction should be imposed for failure to provide discovery, including to which party a continuance should be charged.

MOTIONS AND HEARINGS

All motions to suppress, motions in limine requiring an evidentiary hearing, and motions to exclude shall be filed and served upon opposing counsel at least seven (7) days prior to the final pretrial hearing. *See Powell v. State*, 717 So.2d 1050 (Fla. 5th DCA 1998). This Court will not specially set any hearings on motions that have not been filed. Likewise, any party that is requesting a hearing on a matter where witness attendance is required (i.e. trials, evidentiary hearings, violation of probation hearings, etc.) must confer with the witness(es) to ensure their availability for the date/time of the hearing prior to scheduling the hearing. Any motions to continue based upon witness unavailability filed after the hearing date has been selected by the parties may be denied if no effort was made to confer with the witness prior to scheduling the hearing to ascertain their availability.

Motion to suppress, motions in limine, and motions to exclude evidence shall clearly set forth the evidence sought to be suppressed or excluded, the specific reasons for the suppression, and a general statement of facts in the supporting allegations. *See Fla. R. Crim. Pro. 3.190(h)*. Boiler-plate motions or motions devoid of specific supporting allegations will be stricken as legally insufficient.

FINAL PRE-TRIAL CONFERENCES

The final pretrial is the last court date prior to jury selection where it is announced “ready for trial.” Defendant’s presence is required at the final pretrial as well as the attorneys who are to try the case. Counsel for each party shall be prepared to report on the following:

- a) whether each party is “ready for trial”;
- b) any state offers made, and rejected by the Defendant;
- c) any defense counteroffers made; and rejected by the State;
- d) the estimated length of the total trial, including the number of witnesses;
- e) any date/time restrictions in scheduling due to witnesses or attorneys;
- f) whether any interpreter or any other accommodation will be necessary
- g) whether there are any outstanding motions or evidentiary issues

This Court is not inclined to accept negotiated pleas after the final pretrial. Please note this Court’s definition of “ready for trial” means all motions have been filed and resolved (either previously addressed by the Court or set to be heard prior to the trial date) and all plea negotiations exhausted. Definition of “Ready” does not include Ready “subject to”, “but for” or additional discovery still pending.



KATHRYN R. LAND
Circuit Judge