

JUDGE JOHN B. FLYNN
CRIMINAL MIDMEANOR DIVISION M4

PROCEDURES FOR REMOTE APPEARANCE AT
NON-EVIDENTIARY PRETRIAL CONFERENCE

All hearings will take place live in the courtroom and shall be noticed as such, absent a court order permitting a remote appearance pursuant to Fla. R. Crim. P. 3.116.

A request to use communication technology for a non-evidentiary pretrial conference scheduled for 30 minutes or less must be made by written motion in each individual case and entitled "Motion for Remote Appearance at Non-Evidentiary Pretrial Conference." The motion must be filed with the Clerk of the Court at least forty-eight (48) hours in advance of the non-evidentiary pretrial conference. A copy of the motion and a proposed written order must be provided to the judge's judicial assistant by email AND through the e-filing portal at least forty-eight (48) hours in advance of the non-evidentiary pretrial conference. The motion must contain the following information:

- How many pretrial conferences have been held or previously in this case?
- Has the Defendant elected to participate in discovery?
- What date was discovery requested by the Defendant?
- What date was a discovery response provided by the State?
- Has either party failed to provide any discovery? If so, what discovery is missing? If discovery is missing, detail all efforts that have been made to obtain discovery; this should include any individuals or agencies that you have contacted or attempted to contact, all dates and times of attempted or actual contact, and the method of contact or attempted contact.
- Are there any pending motions? If the answer is yes, identify all pending motions. Are the pending motions currently scheduled for a hearing? If the answer is yes, what is the date and time of the scheduled hearing(s)?
- Is the case ready to be scheduled for trial? If not, state with specificity what additional labor is required before the matter is ready to be scheduled for trial? General descriptions such as "additional discovery" will not be considered specific and will be a violation of this requirement.

If the motion is filed by an attorney representing the Defendant, the following information must also be provided in the motion:

- Is this the first pretrial conference following retention of the attorney?
- Has the client been provided the opportunity to review the discovery?
- Has a plea offer been requested from the State?

- Has a plea agreement been offered by the State? If a plea offer has been requested from the State and the answer is no, provide the method and date and time of each attempt that has been made to obtain a plea offer from the State. If the answer is yes, has the plea offer been relayed to the client?

****FAILURE TO FOLLOW THESE REQUIREMENTS WILL BE CONSIDERED GOOD CAUSE TO DENY THE REQUEST****

RULES FOR REMOTE APPEARANCE

- All remote appearances will be through Microsoft Teams. It is your responsibility to ensure that you have the appropriate connection, equipment, and software to use Microsoft Teams and that said connection, equipment, and software is operating correctly.
- It is your obligation to contact the judicial assistant to obtain the appropriate Microsoft Teams link for the remote appearance.
- All participants must have their audio and video working and know how to mute/unmute and turn their camera on and off before the appearance begins.
- The participant should name themselves using their true legal first and last name. Failure to be properly named will result in the Court not allowing you into the courtroom.
- When in the Microsoft Teams courtroom, the participant should remain muted with their video camera off until their case is called.
- Participants must be in a space with minimal background noise. Participants must not be moving from room to room. Participants cannot be outdoors, or in a moving vehicle. Participants cannot be in motion in any way.
- When a case is called, the participant shall then enable their microphone and unmute themselves in a timely fashion.
- Any documents that would normally be filed with the Clerk of Court shall be filed with the Clerk of Court at least three (3) business days in advance of the hearing.
- When appearing by Microsoft Teams all parties are expected to conduct themselves with it the same professionalism, decorum, and civility as if physically present in court. All participants shall be wearing attire as if they were physically in the courtroom. As in any courtroom, there is to be no eating, drinking, gum chewing, smoking, or engaging in any activity other than participation in the court appearance.

****FAILURE TO FOLLOW THESE RULES WILL BE CONSIDERED GOOD CAUSE TO DENY FUTURE REQUESTS FOR REMOTE APPEARANCE.**

**** **FAILURE TO BE AVAILABLE AT THE TIME YOUR CASE IS CALLED WILL BE CONSIDERED GOOD CAUSE TO DENY FUTURE REQUESTS FOR REMOTE APPEARANCE.**

**** **FAILURE TO APPEAR AT A HEARING WILL BE CONSIDERED GOOD CAUSE TO DENY FUTURE REQUESTS FOR REMOTE APPEARANCE. ****