



**BRANDON J. RAFOOL**  
JUDGE OF THE CIRCUIT COURT  
STATE OF FLORIDA, COUNTY OF POLK  
[WWW.JUD10.FL COURTS.ORG](http://WWW.JUD10.FL COURTS.ORG)

Polk County Courthouse  
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Bartow, FL 33830

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**FELONY DIVISION F1 PROCEDURES AND GENERAL INFORMATION**

**Motions/Jury Selection/Trial Courtroom:** 6C (sixth floor, blue elevators)

**Arraignment Courtroom:** Main Courtroom (first floor)

**Pretrial Conference Courtroom:** Courtroom 4A (fourth floor, red elevators)

**Administrative Orders:** Copies of all Administrative Orders for the Circuit are available on our website at [WWW.JUD10.FL COURTS.ORG](http://WWW.JUD10.FL COURTS.ORG).

**SCHEDULING PROCEDURES:**

- **Scheduling Hearings:** E-mail the Judicial Assistant at [jcochran@Jud10.FLCourts.org](mailto:jcochran@Jud10.FLCourts.org) to obtain hearing times for your *Motion*. Such requests must include the case number, Defendant's name, matter(s) to be heard, and time required. The party scheduling the hearing is responsible for contacting all other parties and coordinating an agreed upon date and time. The hearing times provided are not held while the attempt is being made to coordinate with opposing counsel/party. You must e-mail the judicial office to confirm and reserve your court date prior to submitting your *Notice of Hearing*.
- **Notice of Hearing:** Upon confirmation from the Judicial Assistant, the scheduling party must file and immediately serve a *Notice of Hearing*. Failure to follow these procedures will result in the hearing not being added to the docket. All notices of hearing must contain the Americans with Disabilities Act (ADA) notification required by Florida Rule of General Practice and Judicial Administration 2.540.

- **Cancellation of Hearings:** You must cancel hearings by notifying the Judicial Assistant immediately. You must also immediately file and serve a notice of cancellation on opposing counsel and any self-represented litigant.
- **Motions for Continuance of Pretrial Conference:** An agreed upon *Motion for Continuance* of Pretrial Conference and a proposed *Order* must be submitted no later than 1:00 p.m. five (5) days prior to scheduled hearing. Otherwise, the hearing will remain on the docket and will be addressed in Court at the scheduled time. The Court may still require a hearing on an agreed upon *Motion for Continuance*.
- If a Plea or Motion hearing is currently set before the court and counsel wishes to continue a scheduled Pretrial Conference to the date of the Plea or Motion hearing, **and the Defendant has waived speedy trial**, a Motion to Continue Pretrial Conference to the motion hearing date may be e-filed and a copy provided to the judicial assistant for court review. Once a Pretrial Conference is continued to the date of the Plea or Motion hearing, the hearing cannot be cancelled without a court order.
- **Waiver of Status Conference in Polk Felony Division F1:** Defense counsel may waive a regularly scheduled status conference in Polk Felony Divisions F1 by filing a document titled *Waiver of Status Conference*, reflecting that the Defendant is waiving the status conference and requesting the case be passed to the previously scheduled Pretrial Conference. The *Waiver of Status Conference* must be signed by counsel for the Defendant and served on the assigned attorney for the State and the assigned judge's Judicial Assistant. The Judicial Assistant must not be added to the e-service list but served by separate e-mail. The *Waiver of Status Conference* must be filed and served no later than close of business two business days prior to the scheduled status conference. (e.g., 5:00 p.m. on Wednesday for a Friday morning status conference).

#### **COURT APPEARANCES:**

- Pursuant to Administrative Order 1-60.0, (subject to change) effective June 21, 2021, criminal proceedings will be conducted **in-person** unless otherwise approved by the judge.
- **IN-PERSON APPEARANCE:** All defendants MUST appear in-person for all hearings unless a waiver of appearance has been filed. The Defendant MUST be present for mandatory docketing; counsel cannot waive the Defendant's presence for Mandatory Docketing.
- **REMOTE APPEARANCE:** If a need arises for a remote appearance of counsel or a witness, a written *Motion* and proposed *Order* to appear virtually must be submitted to the court no later than five (5) days prior to the scheduled hearing or the *Motion* will not be considered.

- **Remote Appearance Procedure:** The Court will call the cases of the attorneys physically present in the courtroom first.
  - Platform Used: Microsoft Teams
  - Technology Needs: The answers to the most frequently asked questions regarding technology needs can be found at the following link:  
  
[How to Access the 10<sup>th</sup> Circuit Teams Virtual Courtroom](#)  
 For any inquiries regarding technology needs, contact Court I.T. at 863-534-7788.
  - Rules for remote appearance: Any person appearing remotely must enable their camera when joining the proceeding and keep the camera turned on until instructed otherwise by the court. Any person appearing remotely must mute their microphone when joining the proceeding and keep the microphone turned off until instructed otherwise by the court.
  - If a witness appears remotely, the party calling the witness must ensure the witness has a functioning camera and microphone and has tested the internet connection before the hearing. The oath will be administered in accordance with Florida Rule of General Practice and Judicial Administration 2.530.

#### **CASE LAW SUBMITTAL:**

All case law submitted to the court must be submitted via email in Word format with relevant text/rule of law/holdings highlighted. You may also mail color copies prior to the hearing, with a hardcopy package in addition to the emailed case law.

#### **MOTIONS IN LIMINE:**

1. Motions in Limine may not be scheduled for a hearing **unless and until counsel have conferred** in an effort to resolve all or a portion of the Motion. The term “confer” requires a substantive conversation in person or virtually in a good faith effort to resolve the motion without the need to schedule a hearing and does not envision an exchange of ultimatums by fax, e-mail or letter.
2. The Motion in Limine or Notice of Hearing on said Motion must contain certification that the parties have conferred (as set forth above) in an attempt to resolve each portion of the Motion prior to court’s intervention.
3. The Notice of Hearing on the Motion in Limine must identify the specific issues which remain in controversy after counsel have conferred.
4. No Motion in Limine will be heard during trial unless the judge authorizes it in advance.

5. The Motion in Limine must state with particularity the grounds upon which it is based and the substantial matters of law to be argued and shall identify any evidence or supporting material on which the movant relies.
6. The judge may summarily rule on any Motion in Limine not written with particularity as described above. Any Motion in Limine not timely filed and scheduled for hearing before pretrial conference will be considered abandoned.
7. “Omnibus” and “boilerplate” Motions in Limine are discouraged. *See, Boyles v. A&G Concrete Pools, Inc.*, 149 So.3d 39, 43-44 (Fla. 4th DCA 2014) (“Motions in Limine can serve an important function in streamlining a trial. The excessive use of them, however, can clog the docket and become a trap”).
8. A minimum of 10 days prior to the hearing, all parties shall submit their relied upon Case law with relevant text/rule of law/holdings highlighted and in color along with a hardcopy of the Motion, Response and Notice of Hearing.

**MARKING TRIAL EXHIBITS:**

Prior to any hearing all documents intended for admission into evidence shall have exhibit identification information pre-marked in a form suitable for receipt into evidence. The exhibit labels shall be in substantially the following format:

Case No. \_\_\_\_\_  
 Party \_\_\_\_\_ Exhibit No. \_\_\_\_\_  
 Admitted \_\_\_\_\_ Excluded \_\_\_\_\_  
 Date: \_\_\_\_\_

The party submitting the exhibit shall fill in all blanks on the label except “admitted” and “excluded.”

**SUBMITTING PROPOSED ORDERS FOR CONSIDERATION:**

- All proposed orders must be submitted through the Florida Courts e-filing portal.
- Method of submission: Please refer to the following (3) documents for information related to submitting proposed Orders to Florida Courts E-Filing Portal. Information can also be found on the 10th Judicial Circuit website.
  - Administrative Order No. 1-61.1
  - 10<sup>th</sup> Judicial Circuit's Instructions for submitting Proposed Orders to Florida's E-Filing Portal
  - Quick parts & ePortal/ICMS Proposed Orders

- **Order(s) that are not properly formatted will be automatically rejected by the Court.**
- All motions must state opposing counsel's objection or lack of objection.
- All proposed orders must be accompanied by a cover letter either (1) certifying that all parties agree to the order or (2) containing a statement identifying any disagreement of the parties as to the proposed order.

#### **POST HEARING ORDERS:**

Any attorney directed to provide the Court with a proposed order must do so within seven (7) days unless the Court orders a different submittal time period. Should the directed attorney fail to provide the proposed order in the time period ordered, then opposing counsel may submit a proposed order in a timely fashion. Copies of submitted orders shall always be provided to opposing counsel (pro se litigant) upon submittal to the Court. Should any party disagree with a proposed order that is submitted, the disagreeing party must provide their proposed order version and must provide the Court with a transcript of the hearing pursuant to the Fla. R. Civ. P. 1.080(d), with relevant portions highlighted for ease of reference by the Court.

#### **FORMAT OF FILED TRANSCRIPTS:**

All transcripts provided or filed with the Court must be in full-page format, unless condensed transcripts are authorized by the Court. The Portable Document Format ("PDF") file(s) of all transcripts must be text searchable.

#### **VOICE MAIL:**

Our office only has **one** line for incoming calls. If you call our office during normal business hours and get our voice mail, it means that the Judicial Assistant is on another line or away from her desk. Accordingly, if you leave a voice mail message, you should expect to receive a return phone call in a timely fashion. Your patience in this matter is greatly appreciated.

#### **INTERPRETER REQUESTS:**

If an interpreter is needed for a hearing or trial, please review the following link: [Court Interpreters | 10th Judicial Circuit Court](#). You can contact the interpreter's office via telephone at 863-534-7700 or via e-mail at [CourtInterpreters@jud10.flcourts.org](mailto:CourtInterpreters@jud10.flcourts.org).