

Judicial Practices and Procedures FELONY DIVISION F5

If you are represented by an attorney, you must contact your attorney directly with any questions and/or concerns.

John C. Waters, Judge
Miranda Brooks, Judicial Assistant

Contact Information

Mailing Address: P.O. Box 9000, Drawer J-116, Bartow, FL 33831-9000

Telephone: 863-534-4645

Fax: 863-534-7724

MOTIONS/JSEL/TRIAL COURTROOM: 6A (sixth floor, red 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 Tenth Judicial Circuit are available here: [Administrative Order Divisions | 10th Judicial Circuit Court](#)

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A. Communications with the Judicial Office

- **Method of Communication:** Communications to the judicial office must be submitted by e-mail to Brinna Allbritton, Judicial Assistant at mbrooks@Jud10.FLCourts.org. The subject line of any e-mail to the judicial office must contain the case number, case name, and relevant matter (e.g., 2024 DR 001234 SC – Doe v. Doe – 2-Hour Hearing Requested). On occasion, it may be necessary to communicate with the judicial office via telephone. The judicial office may be contacted via telephone at 863-534-4149. The judicial office may request a follow up e-mail to any telephonic communication. The judicial office does not accept text messages.
- **Ex parte communications:** All communications with the judicial office must comply with Canon 3 of the Code of Judicial Conduct, which prohibits a judge from initiating, permitting, or considering ex parte communications and from considering other communications outside the presence of the parties concerning a pending or impending proceeding, unless authorized by law. All parties must be copied on any e-mail directed to the judicial office, unless an ex parte communication is authorized by law.
- **Unsolicited Communications:** Parties may only contact the judicial office in accordance with these practices and procedures. **Unsolicited communications from non-parties will not be considered by the court.**
- **E-Filing Portal Contact Information:** All attorneys and self-represented litigants must make and receive service by e-mail, which is generally through the Florida Courts E-Filing Portal, unless excused. Fla. R. Gen. Prac. & Jud. Admin. 2.516. It is the responsibility of attorneys and self-represented litigants to update their contact information using Form 2.603 any time there is a change in the e-mail account registered for electronic service.
- **Response to Inquiries:** The judicial assistant strives to substantively respond to all inquiries within one business day. If the judicial assistant is unable to substantively respond within one business day, your message will be acknowledged as received with an indication of when to expect a substantive response or an alternate contact for immediate assistance. **The judicial assistant is not authorized to provide legal advice.**
- Any e-mail sent to or from the judicial office is a public record subject to disclosure.

B. Scheduling Procedures

- **Court Schedule:** [FelonyMasterCalendar.pdf](#)
- **Scheduling Hearings:** E-mail the Judicial Assistant at, mbrooks@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. **DO NOT include the Judicial Assistant in any electronic communications with other parties relating to the coordination of the hearing.** 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*. The scheduling party must also send a copy of the *Notice of Hearing* to the Judicial Assistant. 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.
- **Cancelling Hearings:** You must cancel hearings by notifying the Judicial Assistant immediately. After a hearing is set, opposing counsel must consent to the cancellation. You must also immediately file and serve a notice of cancellation on opposing counsel and any self-represented litigant.
- **Submission Deadlines:** The Court must receive all materials for the hearing no later than three (3) business days before the hearing.
- **Order of Proceedings:** Sounding of the docket is at the Court's discretion.
- **Continuance Procedure:** Motions for continuance are disfavored and will be granted only upon good cause shown. Successive continuances are highly disfavored. Lack of due diligence is not grounds for granting a continuance. Except for good cause shown, the motion must be signed by the party requesting the continuance, as required by Florida Rule of General Practice and Judicial Administration 2.545(e).
- **Motions for Continuance of Pretrial Conference/Arraignment:** An agreed upon *Motion for Continuance* of Pretrial Conference or Arraignment

and a proposed *Order* must be submitted no later than 1:00 p.m. three (3) business 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*.

- **Waiver of Status Conference in Polk Felony Division F2:** Defense counsel may waive a regularly scheduled status conference in Polk Felony Divisions F4 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). See Exhibit A for a Sample *Waiver of Status Conference*.

C. 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 notified by counsel and/or 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 three (3) business 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 10th 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 be in a private location that is quiet and free from distractions. Under no circumstances will a participant be permitted to appear remotely from a moving vehicle. Any person appearing remotely must dress and behave professionally in the same manner as if physically present in the courtroom. 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.

D. Submission of Motions and proposed Orders

- 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](#)
 - [10th 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.

- Deadline for Submission: Proposed orders must be submitted no later than ten (10) days after any hearing unless otherwise directed by the Court.

E. Memorandums and Courtesy Copies of Case Law

- When required: The Court may require a memorandum for sentencing after trial, open pleas to the Court, and upon formal request of the Court. Counsel may send courtesy copies of Case Law or Memorandums of Law on any matter counsel finds appropriate.
- Format: Courtesy copies must be submitted in PDF format.
- Submission Method: Memorandums and Courtesy Copies of Case Law must be submitted via e-mail to the Judicial Assistant at mbrooks@Jud10.FLCourts.org.
- Deadline for Submission: Memorandums and Courtesy Copies must be submitted to the court no later than three (3) days before the matter will be heard.

F. Emergency and other Urgent Matters

- Requirements: If a party believes there is a factual basis for setting an emergency hearing, a detailed motion setting forth the following must be filed: (1) the issues to be resolved, (2) reasons why an emergency hearing is necessary, and (3) the amount of time needed for each party's presentation. If the Court does not act upon an emergency motion which requires immediate action, the party shall present the matter to the duty judge.
- Scheduling: If the court determines that an emergency exists, a hearing will be scheduled unilaterally by the court. All parties shall make themselves available for the emergency hearing, barring exigent circumstances.

G. Mandatory Docketing

- **Appearances**: All parties must appear in-person for Mandatory Docketing. **Lead trial counsel SHALL be present at Mandatory Docketing.** Counsel may not waive the Defendant's presence for Mandatory Docketing.

H. Early Termination of Probation

- **Pro Se Defendants:** Defendants who wish to seek a modification and/or terminate their probation must submit the request in writing to the Felony Clerk's office at: P.O. Box 9000, Drawer CC-9, Bartow, FL. 33831-9000, for processing. The Clerk will notify the Court of the pending matter for review. Be advised, processing of the request can take up to thirty (30) business days.
- **Defendants Represented by Counsel:** Counsel shall file the Motion for Modification and/or Termination with the Probation Officer's Recommendation Report. See Exhibit C for the Probation Officer form.
- **Ruling:** The Court may rule in Chambers or require a hearing on the Motion for Modification and/or Termination.

I. Other Division Procedures

- **ADA Accommodations:** Please contact the Office of the Court Administrator, 255 N. Broadway Avenue, Bartow, Florida 33830, 863-534-4686, at least 7 days before your scheduled court appearance, or immediately upon receiving your court date notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711. You can also submit a request online at this link: [Florida Supreme Court ADA Title II Accommodation Request Form | 10th Judicial Circuit Court](#).
- **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.

Exhibit "A"

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT,
IN AND FOR POLK COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

CASE NO.:
DIVISION: F4

vs.

,
Defendant.
_____ /

WAIVER OF STATUS CONFERENCE (WAIS)

The Defendant, through counsel, waives any right (he/she) may have to a Status Conference before this Court scheduled for _____. Defendant is scheduled for Pre-Trial Conference on _____.

FLORIDA BAR #*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to Assistant State Attorney _____, at the State Attorney's Office mailbox, Polk County Courthouse, Bartow, Florida, this ____ day of _____, 2025.

*

FLORIDA BAR #*

Exhibit "B"

TRIAL READINESS CERTIFICATION

Defendant's Name:

Case No.(s):

Charge(s):

Defendant is IN Custody

(how many days? _____)

OUT of Custody

Speedy trial has been previously waived: YES NO

Expiration of Speedy Date:

Defendant filed Speedy Demand

YES

NO

Date:

State Attorney:

Email:

Defense Attorney:

Email:

Defendant's Sentencing Guidelines Score:

Did the State make an offer?

YES

NO

If yes, is the offer revoked?

YES

NO

Trial length:

days

of wit.:

State:

Def.:

Interpreter: Y

N

Both parties, acting in good faith, represent to the Court that this case is ready for trial *today*, which means that:

- Counsel have good contact with all their witnesses.
- All necessary depositions, investigations, and discovery have been completed.
- All mitigation, if any, has been submitted to the State.
- The State has made a plea offer which was provided to opposing counsel.
- All pre-trial motions have been filed and ruled on, except for motions in limine which will take less than 10 mins each.

SPECIAL CIRCUMSTANCES:

JOHN C. WATERS
Circuit Judge

Exhibit "C"

Circuit Judge John C. Waters
Tenth Judicial Circuit
State of Florida, County of Polk

PROBATION OFFICER INFORMATION FORM

Defendant's Name: _____

Case Number(s): _____

DOC # _____

Upcoming court date _____

Any objection to the request? Yes No

Recommended for early termination? Yes No

Have all special conditions of probation been met? Yes No

Have all costs of supervision been paid? Yes No

Have all court costs and fines been paid? Yes No

Has all restitution ordered to be paid during probation period been paid? Yes No

Have all community service hours been completed? Yes No

If Defendant is applying for financial relief, do you believe it is warranted? Yes No

Has Defendant reported as required? Yes No

Has Defendant had any violations? If so, please describe. Yes No

Date of Probation Sentence _____

Length of Probation Sentence _____

List any additional information you believe will be useful to the court in making a determination on the early termination of probation or other relief sought.

The information set forth above is true and correct to the best of my knowledge and belief.

Probation Officer Signature

Correctional Probation Supervisor Signature

Probation Officer Printed Name

Correctional Probation Supervisor
Printed Name

Date

Date

**E-mail completed form to Miranda Brooks, JA to Judge John C. Waters at
mbrooks@jud10.flcourts.org**