

**Diana L. Moreland, Circuit Judge**  
**Circuit Criminal – Division III**  
Judicial Assistant – Gail Elliott

**ANSWERS TO FREQUENTLY ASKED QUESTIONS**

Revised 6/13/08

**ADDRESS & COURTROOM INFORMATION:** Judge Moreland's hearings are held in Courtroom "8A" at the Manatee County Judicial Center, 1051 Manatee Avenue West, Bradenton, Florida 34205. Mailing address is Post Office Box 3000, Bradenton, FL 34206.

**TELEPHONE NUMBER:** Judge Moreland's telephone number is 941-749-3617; fax number is 941-749-3680.

**OFFICE HOURS:** Monday-Friday from 8:30 a.m. to 5:00 p.m. Closed from 12:00 until 1:00 p.m.

**LOCAL RULES/STANDARDS OF PROFESSIONALISM:** Local rules for the 12<sup>th</sup> Judicial Circuit are available on the internet at [www.12circuit.state.fl.us](http://www.12circuit.state.fl.us). Standards of Professionalism are available on the internet at [www.manateebar.com](http://www.manateebar.com).

**CALENDARS (COURT):** You can obtain monthly court calendars for Criminal Division III on our website ([www.12circuit.state.fl.us](http://www.12circuit.state.fl.us)) Just click on "Trial Dockets" and then follow the links to Criminal Division III Judge Diana Moreland. **NOTE:** Calendars are subject to change. Please check back regularly for possible amended calendars.

**Court Hearings**

**GENERAL INFORMATION:** The scheduling attorney is responsible for notifying the bailiff's office if a prisoner needs to be transported from the jail for a hearing.

**SCHEDULING:**

**General Rules:**

1. All motions shall be filed **prior** to reserving hearing time.
2. Hearings are limited to the time reserved. The party opposing the motion is entitled to equal time; therefore, the party reserving and scheduling the hearing should determine how much hearing time he/she needs and then double the estimate. In the alternative, the scheduling party should confer with opposing counsel and agree regarding the total time required.
3. Piggyback or cross notices: Once a motion is scheduled via JACS or the Judicial Assistant, subsequent motions shall not be "piggybacked or cross noticed," absent prior approval of the Court and opposing counsel.

4. Substitute motions: Once a particular motion is scheduled via JACS or the Judicial Assistant, another motion shall not be "substituted" in the event the original motion is cancelled absent prior approval by the Court or opposing counsel.

5. Add on cases/hearings: Any party wishing to add a case or hearing to the docket, at a time when JACS is closed, shall contact the Judicial Assistant no later than 10:45 a.m. the day prior to the scheduled hearing for approval. For example, to place an additional case on the Tuesday docket the requesting party shall contact the Judicial Assistant no later than 10:45 a.m. on Monday. The requesting party must have the approval of opposing counsel prior to contacting the Judicial Assistant. **Do not contact the Clerk's office to add-on cases. If approved the Court will contact the Clerk.** (Hint: the later the request the greater likelihood it will be denied).

6. Cancellation: Please cancel hearing time thru JACS, as **soon** as you are aware the need for the time no longer exists. If unable to cancel the hearing through JACS, please contact the Judicial Assistant so she can make the time available for other cases. The attorney canceling the hearing shall be responsible for notifying the bailiff's office that an inmate will not be needed.

7. Single Defendant/Multiple Cases: When scheduling a plea or hearing on a single defendant with multiple cases, all case numbers are required. The lowest case number shall be placed on JACS in the box labeled "Case number: \_\_\_\_\_CF\_\_\_\_\_" to reserve the necessary time. All additional case numbers shall be placed on JACS in the section labeled "Notes:\_\_\_\_\_". If the cases are consecutive they may be denoted by a hyphen, i.e. 2005 CF 0001-0010. The written notice sent to the Assistant State Attorney assigned to those cases and to the Court must include all case numbers.

8. Multiple Defendants/Single Motion : When scheduling a hearing on the same Motion reference multiple Defendants, with several attorneys or even a single attorney, only one Defendant's case number shall be placed on JACS in the box labeled "Case number\_\_\_\_\_CF\_\_\_\_\_" to reserve the time. All additional, Defendants' case numbers shall be placed on the JACS in the section labeled "Notes:\_\_\_\_\_". All parties using the reserved time shall send a written notice to the Assistant State Attorney assigned to the cases. All parties using the reserved hearing time shall confer to coordinate the time necessary for the hearing.

#### **Method:**

1. All pleas and hearings, 30 minutes or less in length shall be set by using the Judicial Automated Calendaring System (JACS). It is recommended that 5 minute slots be used for **negotiated** pleas, motions to compel and any other simple motions that will take 5 minutes or less to be heard. **Do not** schedule back-to-back time; i.e. fifteen (15) minute slots, to obtain a thirty (30) minute hearing.

2. Hearings of More than thirty (30) minutes: Hearings of more than thirty (30) minutes must be scheduled through the Judicial Assistant. All hearings in excess of thirty (30) minutes, scheduled by an attorney on JACS without proper notification to the Judge's office will be cancelled without notice.

#### **Pleas and Motions:**

1. All pleas and motions shall be set on those days designated for pleas and motions.

2. Pleas and motions dates are assigned to a specific Assistant State Attorney. The scheduling party must determine which Assistant State Attorney is assigned to a case and schedule his/her pleas or motion accordingly. Please consult the online calendar before setting a case for hearing. **Any hearing set on a day not assigned to the specific Assistant State Attorney will be automatically cancelled.**

3. The Court is aware it may be necessary to set pleas and motions for dates other than those designated to a specific Assistant State Attorney. However, on such rare occasions, the scheduling party must:

a. contact the Judicial Assistant with: the case number; the name of the assigned Assistant State Attorney; the reason it cannot be placed on a designated date; and, the time needed. The Judicial Assistant will then provide several potential alternate dates and times,

b. contact the assigned Assistant State Attorney to clear the date and time,

c. re-contact the Judicial Assistant to confirm the date and time utilized. (NOTE: The Judicial Assistant will only hold the potential dates and times for twenty four (24) hours. If no confirmation is made the potential dates and times will be re-opened).

4. Plea Cut off Date: The plea cut off date for all cases set on a trial docket, will be 5:00 p.m. the Thursday before trial week. Subsequent to the 5:00 p.m. Thursday plea cut off, all pleas will be straight up and require a sentencing hearing and pre-sentence investigation report if applicable.

**Courtesy Copies:** Immediately after scheduling a hearing, the scheduling attorney shall furnish the judge with copies of: (1) Notice of hearing; (2) Motion, and (3) All pertinent portions of any documentation or pleadings referenced in the motion and any supporting case law. If the notice of hearing and motions are not received by the Judge's office three (3) days prior to the date of the hearing, the hearing will be cancelled by the Court without notice.

### **SPECIFIC MOTIONS:**

**Continuances:** The Court strictly adheres to the mandates established by the United States Supreme Court, Florida Supreme Court, Fla.R.Jud.Admin.2.085(e) and Fla.R.Crim.P.3.190(g). All motions for continuance shall be in writing, unless made at trial, and signed by the requesting party unless good cause is shown. In addition, all requests for continuance shall include: a Certificate of Good Faith; be signed by the Defendant, indicate whether the Defendant is in custody, the date the information/indictment was filed, the number of previous continuances, waiver of speedy trial, who requested the previous continuance and all efforts made to move the case, and resolve discovery issues. The Court strongly encourages the use of discovery enforcement motions to facilitate the movement of cases towards resolution, including but not limited to: rules to show cause, motions to compel; motions for statements of particulars etc. The Court **does not** intend to hear oral motions to continue at Docket Sounding by either side.

Stipulations for continuance shall contain the same information as a motion for continuance, and will be reviewed by the court on a case-by-case basis.

### **Bond Hearings:**

1. Video Bond Hearings: Video bond hearings are those requiring less than fifteen (15) minutes and will be Wednesday and Friday at 1:15. **Any other hearing set in this time slot will be automatically cancelled.**

2. Bond Hearings in Excess of fifteen (15) minutes: Bond hearings requiring time in excess of fifteen (15) minutes shall be scheduled in accordance with the procedures established under SCHEDULING above.

**Motions for Rehearing, Reconsideration, Arrest of Judgment and/or New Trial:** All Motions for Rehearing, Reconsideration, Arrest of Judgment and/or New Trial Must be submitted directly to the judge, along with a cover letter. After review the judge will determine if a hearing is required.

### **Motions/Orders for Release of Uncharged Defendants:**

1. Defense shall forward to Judge's chambers and the appropriate ASA, a copy of his/her Motion. The Motion shall include the clerk's date/time stamp.

2. The J.A. will call and email the Defense and ASA to confirm receipt of the date/time stamped Motion.

3. If the ASA files charges by 5:00 p.m. the same date the Defense motion is filed, he shall provide a copy to both the Judge and Defense attorney. The forwarded information shall be stamped by the clerk's office. This will end all action.

4. If the ASA notifies the Judge and Defense that he/she has no objections to the defendant's immediate release, the J.A. will contact the Defense attorney to pick up an Order. The ASA's notification shall be on a copy of the original Defense motion and contain the words: "I have no objection to this Defendant's immediate release" followed by his/her signature. The Defense attorney shall be in charge of providing the Order to the appropriate parties to secure the defendant's release.

5. If the ASA does not respond by 5:00 p.m. on the date the Defense motion is filed, the motion shall be placed for hearing at the very next scheduled video bond hearing or within 72 hours at the latest. The Defense attorney shall prepare the notice.

**Emergency Hearings: Emergencies are exceedingly rare!** Emergency motions shall be filed with the Clerk and served upon the opposing party. All motions requesting emergency hearing time must be submitted to the judge in writing with an estimate of the amount of hearing time needed. The Judge will then review the motion to determine if a true "emergency" exists and determine if a hearing should be promptly scheduled.

### **COURT PROCEEDINGS:**

**Case Management Conferences:** The Court will set these conferences in cases it deems appropriate, but will certainly entertain requests by attorneys. Only the Court may cancel a case management conference; however, the attorneys may make a request for cancellation if they file a case management report at least three (3) days prior to the scheduled conference. (Form available at 12<sup>th</sup> Circuit website: [www.12circuit.state.fl.us](http://www.12circuit.state.fl.us).)

These will be working case management conferences. All counsel will appear with their calendars to schedule trial, discovery times, motions, pleas and any other items requiring scheduling to facilitate the movement of cases. Legal assistants may be present if needed, but they may not be substituted for their attorney. Clients are not to appear at Case Management.

**Docket Sounding:** No oral motions of any kind, including motions to continue, will be heard at docket sounding. The purpose of docket sounding is to enter a plea or announce ready for trial. If you are unable to obtain hearing time prior to docket sounding on the JACS systems, please contact the Judicial Assistant. **DEFENDANTS APPEARANCE AT DOCKET SOUNDING IS MANDATORY.**

**Trial Scheduling:** Trial periods are set for two (2) weeks each. All counsel with trials set for a trial period shall be prepared to go to trial the first day of the first week of the period and remain available for the entire two (2) weeks.