

Judge Jeanette D. Bigney, Division 63
Orange County Court
Katelyn Acevedo, Judicial Assistant

All hearings will be done virtually (this does not apply to arraignments). This is an outline for how Division 63 will handle hearings and it is implemented in consideration of everyone's well-being during the pandemic.

Hearings will be conducted as follows:

I. Type of Hearing:

A. Competency Hearing

1. Attorneys to appear through video conferencing platform.
2. Defendant to appear through video conferencing platform or at his/her attorney's location. Appearance is required unless previously waived in an order.
3. Witnesses to appear through video conferencing platform or with the attorney calling the witness.
4. All evaluations must be timely filed.
5. See Sections II and III.

B. Plea Hearing

1. Virtual Plea

The Defendant must appear through video conferencing platform or at his/her attorney's office. If the Defendant is not appearing with counsel, government issued identification is required.

2. Written Plea

Counsel may file a signed & notarized written plea. The written plea must be received at least one (1) day prior to the scheduled hearing. It may be filed electronically but the original must be filed with the Clerk of Court within three (3) business days.

3. Sentencing for Virtual and Written Pleas

- a. The Defendant shall submit fingerprints to the Clerk of Court within ninety (90) days where prints are ordered/required by the Court.
- b. Court cost, fines, and other financial obligations are payable within six (6) months, unless grounds are established on the record for additional time to satisfy these obligations.
- c. Defendants sentenced to probation will be given reasonable time to receive court minutes and report to probation.
- d. Attorneys for the Defendants shall make / offer recommendations for court ordered or probationary conditions, such as on-line classes, non-profits for community service, financial obligations and the like and the

Court will consider all recommendations. (i.e client will seek counseling through XYZ and submit written proof in XX days).

4. See Sections II and III.

C. Pre-Trial Conference

1. Attorneys will complete and submit virtual the Pre-Trial (VPTC) Form to the Katelyn Acevedo, Judicial Assistant, no later than 5 p.m. two (2) business days before the PTC.
2. The VPTC form does not replace a Motion to Continue. A Motion and proposed Order should be timely filed, with a courtesy copy e-mailed to the JA.
3. Cases will be set for a Plea, Status or Trial date, not for another Pre-Trial.
4. The Court may require an attorney to appear via video conferencing as scheduled. Attorneys will be noticed the day before Pre-Trial Conference. This may occur when:
 - a. The opposing party objects;
 - b. The case has been continued three (3) or more times prior to Covid 19 and stay-at-home orders; and/or
 - c. The case number is 2019 or older.
5. Defendant to appear through video conferencing platform or at his/her attorney's office. Counsel may waive a Defendant's appearance.
6. See Sections II and III.

D. Motion to Suppress and other Evidentiary Hearings

1. Attorneys to appear through video conferencing platform.
2. Defendant to appear through video conferencing platform or at his/her attorney's location. Counsel may waive a Defendant's appearance.
3. Witness(es) to appear through video conferencing platform or with the attorney calling the witness.
4. Any objection to appearing by video conference should be submitted as a written motion.
5. Evidence
 - a. Audio or video- The media to be provided to the court and copy to opposing counsel at least two (2) days prior to the Hearing. It is the submitting counsel's responsibility to confirm media was received. Alternatively, video conferencing platforms give users the ability to publish media. A true and correct copy will need to be provided after the Hearing.
 - b. Physical evidence will be admitted & published to the court. Physically marking and submission will be at the direction of the Court.
6. See Sections II and III.

E. Status Hearing

1. Attorneys to appear through video conferencing platform.
2. Defendant to appear through video conferencing platform or at his/her attorney's location. Appearance is required unless previously waived in an order.

3. See Sections II and III.

F. Violation of Probation Hearing

1. Attorneys to appear through video conferencing platform.
2. Defendant to appear through video conferencing platform or at his/her attorney's location. Appearance is required unless previously waived in an order.
3. Witnesses, including county Probation Officers, to appear through video conferencing platform or with the attorney calling the witness.
4. See Sections II and III.

II. **Administration of Oath (Swearing In)**

- A. All Defendants and witnesses will be sworn in in compliance with the Ninth Judicial Circuit and Florida Supreme Court orders.
- B. Government Identification must be provided.

III. **Video Conferencing Platform**

- A. Zoom and/or Microsoft Teams will be used for video conferencing.
- B. Counsels will receive a link or invitation to appear from Katelyn Acevedo or Judge Bigney's account the day before the hearing. It is the attorney's responsibility to make sure Division 63 has the correct email address at least three days before the hearing.
- C. If you have a defendant or witness who will be appearing by video conference, let the court and opposing counsel know his/her email address at least two days before the hearing. It will, however, be counsel's responsibility to share the link with the witness and provide video conferencing instructions prior to the hearing.
- D. If a defendant or witness needs an interpreter, let Katelyn Acevedo know at least two days before the hearing. Counsel must comply with all Ninth Judicial Circuit Administrative Orders.
- E. On the day of the hearing, connect to the meeting five minutes before your scheduled time.

Once the Orange County Courthouse re-opens to the public, there will be temperature checks, requirement to wear masks, limited capacity on elevators, and other measures in compliance with the C.D.C. and Florida Department of Health. It is suggested all parties bring a paper copy of the Notice of Hearing with them to courthouse.

January 14, 2020