

To:

Office of the public Defender,
Office of the State Attorney,
Pre-Trial Services,
Court Administration,
Charlotte County Bar Association
Roger Eaton, Clerk of Courts
Clerk of Courts Criminal Division
From: Hon. John L. Burns, County Court Judge

RE: Specially Set Case Management Conferences, County Court Criminal Division

Date: May 6, 2020

On May 4, 2020 Florida Supreme Court Chief Justice Canady issued a new/amended Administrative Order regarding the "Comprehensive COVID-19 Emergency Measures for the Florida State Courts", AOSC20-23.

AOSC20-23 greatly expanded the list of non-essential court proceedings that could be conducted through the use of remote appearances. Specifically, AOSC20-23 listed "status, case management, and pretrial conferences in all case types" as proceedings that "are amenable to being conducted remotely." AOSC20-23 sec. C (2).

Prior to AOSC20-23 this court had been rolling Criminal Case Management Conferences on a monthly basis in conformity with the various administrative orders, executive orders, and memorandum dealing with essential vs non-essential court proceedings. Consequently, each successive CMC was expanding exponentially.

In an effort to alleviate the anticipated massive CMC dockets in June and July the Court will be resetting certain cases for new Case Management dockets. The first of these new specially set CMC's will be May 28, 2020.

Pursuant to AOSC20-23 these CMC's will be conducted remotely. The cases will be given designated time slots for the remote meeting based upon the last name of the defense attorney.

The appearance of the defendant at the remote CMCs is not required and shall be considered waived in all cases.

At the CMC the Court will inquire as to whether a plea offer has been made, if so the likelihood of acceptance of that plea offer, whether discovery has been completed and a reasonable time frame in which the parties could be ready for trial if the case is anticipated to be tried.

If at the CMC the parties have reached a negotiated plea or if the parties anticipate that the case will be resolved via plea the court will then set the case for a plea date. The defense is strongly encouraged to take full advantage of this Courts prior procedural memo dealing with pleas in absentia. As out of custody non-incarcerative pleas are still technically non-essential court proceedings, such pleas can only be conducted remotely.