

DIVISION 60 INFORMATION AND PROCEDURES

1. JUDGE'S NAME & EMAIL: Miguel M. de la O (mdelao@jud11.flcourts.org)
(please copy the Judicial Assistant on any emails regarding court business)
2. JUDICIAL ASSISTANT'S NAME & EMAIL: Patsy Garbalosa (pgarbalosa@jud11.flcourts.org)
If you write the Judge or the judicial assistant about a case, you must copy all counsel in the same email.
3. Division Email: F060@jud11.flcourts.org. Email to this address are sent to both the Judge and the JA, so please do not send a separate copy to the Judge or JA.
4. BAILIFF'S NAME: Romil Severe
5. CHAMBER'S INFORMATION
 - a. Address: 1351 N.W. 12th Street, Room 424, Miami, FL 33125
 - b. Phone #: 305.548.5771
 - c. Fax #: 305.548.5339
6. PROCEDURES FOR PLACING MOTIONS ON CALENDAR: Send a copy of the motion to chambers by email, facsimile or hand-delivery. The JA will call the attorney's office with the date that the motion will be on calendar. The original motion must be filed with the clerk's office.
NOTE: The Clerk's Office does not provide Judge de la O with copies of motions which Counsel submits through E-filing.
7. METHOD OF PROVIDING COURTESY COPIES: Courtesy copies may be provided by email or hand-delivery. NOTE: The Clerk's Office does not provide Judge de la O with copies of documents which Counsel submits through E-filing.
8. POLICIES AND PROCEDURES FOR SPECIFIC MOTIONS
 - a. CONTINUANCES: Motions for Continuance may be made *ore tenus* at Sounding.
 - b. JAC MOTIONS: Submit the Motion to have Defendant Declare Indigent for Costs along with supporting documentation, JAC's response, and a proposed order, to Chambers. If JAC does not request a hearing, the Court may enter the proposed order without a hearing after reviewing the documents. If JAC requests a hearing, or if Judge de la O has concerns after reviewing the Motion and supporting documentation, the judicial assistant will set the Motion on calendar for hearing.

- c. *NEBBIA* MOTIONS: Defense Counsel should first present the documentary proof to the State and inquire whether the State will stipulate the defendant has satisfied the *Nebbia* requirements. If there is no stipulation, submit the documents to chambers and the judicial assistant will call the attorney's office with the date for the *Nebbia* hearing. In most cases, the hearing will be set for the next business day if the documents are provided to Chambers before 3:00 pm.
- d. LIMINE MOTIONS: Motions in Limine must be filed in writing the Friday before trial. Failure to do so, absent good cause, is sufficient basis for the Court to deny the Motion.
- e. SEAL/EXPUNGE: File the original with the Clerk's office and send a copy to chambers. The JA will call the attorney's office with the date that the motion will be on calendar. Counsel does not have to be present at the hearing if all documents are in order.
- f. RETURN OF PROPERTY: File the original with the Clerk's office and send a copy to chambers. The judicial assistant will call the attorney's office with the date that the motion will be on calendar. The motion will be scheduled at least two weeks later to give the State sufficient time to determine if it, or the arresting agency, has an objection. It is the State's responsibility to determine whether the arresting agency has an objection to the granting of the motion.
- g. *ARTHUR* HEARINGS: Defense Counsel must first speak with the assigned ASA to verify that the State will not agree to any pretrial release conditions. If the parties cannot reach agreement, Defense Counsel may call the judicial assistant to request that the case be placed on calendar for status regarding bond. At the status hearing, the Court will consult with the State and the Defense to specially set an *Arthur* Hearing. Although neither party is required to file a motion, Judge de la O strongly encourages both sides to provide any videos, transcripts, evidence, etc., upon which the parties will rely at the *Arthur* Hearing at least 24 hours prior to the Hearing. The more voluminous the materials, the earlier they should be provided to the Court.
- h. INCREASE/REDUCE BOND: File the original with the Clerk's office and email or hand-deliver a copy to chambers. Counsel should, at a minimum, attach a copy of the A-form and defendant's criminal history to the Motion, along with any other documents Counsel wants Judge de la O to consider in increasing or reducing bond. The judicial assistant will call the attorney's office with the date that the motion will be on calendar.
- i. TERMINATE OR MODIFY PROBATION/CC: A Motion to Modify or Terminate should include the Probation Officer's, the State Attorney's, and – if applicable – the victim's position on the motion. If there is an objection, please include a copy of the original A-form and the defendant's criminal history.

- j. SUPPRESSION MOTIONS: File the original with the Clerk's office and send a copy to chambers. Judge de la O's judicial assistant will place the case on calendar soon thereafter so the parties can select a special set date and time for the hearing.
9. POLICIES REGARDING PLEAS:
- a. If the defendant is waiving *any* amount of credit for time served, Defense Counsel must fill out a waiver form (available from the Clerk) and have the defendant sign it.
 - b. Judge de la O will not rule on a motion for a downward departure sentence unless the defendant has entered a plea or been found guilty.
10. MISCELLANEOUS POLICIES AND PROCEDURES:
- a. Judge de la O requires attorneys to adhere strictly to the Eleventh Judicial Circuit Standards of Professionalism and Civility, the Standards of Professional Courtesy and Civility for South Florida, and the Florida Bar Ideals and Goals of Professionalism, as adopted by Administrative Order 2-14-01-A1 (*available at* <http://goo.gl/QNc2j2>).
 - b. If witnesses are not appearing for deposition, or the opposing party is not meeting its discovery obligations, it is Counsel's responsibility to bring the matter to the attention of the Court. The Court may deny continuances in these circumstances if counsel has not filed Motions to Compel.
 - c. If you have case law, provide it *before* the hearing.