



**CRIMINAL DIVISION 20
POLICIES AND PROCEDURES**

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STANDING ORDER

Judge William Altfield's Division 20

Because of the variety of practices and procedures within the Criminal Divisions of the Circuit Court, and in an effort to promote uniformity, consistency and professionalism, this Court hereby enters this Pretrial Order, which shall, consistent with the Florida Rules of Criminal Procedure, govern the manner and methods by which attorneys shall practice in this Court. For good cause shown, this Court may modify or waive these procedures on an individual basis.¹

I. GENERAL

1. JUDGE'S NAME & E-MAIL: JUDGE WILLIAM ALTFIELD

waltfield@jud11.flcourts.org

- **Please copy the Judicial Assistant on any emails regarding court business**

2. JUDICIAL ASSISTANT'S NAME & EMAIL: Barbara Ortega

F020@jud11.flcourts.org

- *If you write the Judge or the judicial assistant about a case, you **must** copy all counsel in the same email.*
- Do **NOT** put "SERVICE OF COURT DOCUMENTS" in the subject line of any email to the Court – if you do, our email system automatically rejects the email.
- Always submit a courtesy copy to chambers.

3. BAILIFF'S NAME: Alvin Jackson

¹ A copy of this Order is available in Court or may be obtained from Judge Altfield' Judicial Assistant in room 602.



4. CHAMBER'S INFORMATION

- a. Address: 1351 N.W. 12th Street, Room 602, Miami, FL 33125
- b. Phone #: 305.548.5730
- c. Fax #: 305.548-5326

5. Time calendar begins each day: 9:00 A.M. in courtroom 6-2.

6. If you write it, the Court will read it. If you have case law, provide it ***before*** the hearing.

7. IN-CUSTODY DEFENDANTS: The Department of Corrections does not transport every defendant that is on calendar. **If you need a defendant in court for a hearing, please email the Judicial Assistant prior to 2:00 pm the day before the hearing.**

II. POLICIES AND PROCEDURES FOR SPECIFIC MOTIONS

All motions must be in writing unless otherwise noted below within these policies and procedures. Motions can be set for hearing by contacting Judge Altfeld's Judicial Assistant. Motions must be hand delivered or emailed to the Judicial Assistant prior to asking for a hearing. The Judicial Assistant 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. Courtesy copies may be provided by email, or hand-delivery. **NOTE: The Clerk's Office does not provide Judge Altfeld with copies of motions which Counsel submits through E-filing. Counsel MUST provide courtesy copies directly to Judge Altfeld by hand-delivery, facsimile or via email at F020@jud11.flcourts.org**



1. CONTINUANCES:

Motions for Continuance may be made *ore tenus* or in writing at the sounding, or, if there is no sounding calendar, at least 5 days prior to trial. Motions for continuance will not be entertained at trial unless exigent circumstances exist. If the continuance is requested on the trial date, please advise opposing counsel in advance.

2. JAC MOTIONS

Submit the Motion to have Defendant Declared 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 Alfield has concerns after reviewing the Motion and supporting documentation, the Judicial Assistant will set the Motion on calendar for hearing.

Note: All motions must include all costs requested/paid to date. In addition, all requests for fees and/or investigative and due process costs must be itemized.

3. STIPULATED or AGREED MOTIONS

An order may be submitted to chambers as long as accompanied by a motion signed by both parties or an email or other proof indicating agreement of both parties.

4. 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 an 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 Altfeld **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.

5. 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. The movant must prepare and serve the Notice of Hearing. In most cases, the hearing will be set for the next business day if the documents are provided to Chambers before 3:00PM.

6. MOTIONS IN LIMINE

- a. All pretrial motions in limine, and any motion requiring an evidentiary hearing shall be filed and served upon opposing counsel at least five (5) days prior to trial. See **Powell v. State**, 717 So. 2d 1050 (Fla. 5th DCA 1998). Otherwise, Motions in Limine that do not require an evidentiary hearing, must be filed in writing the Friday before trial. Failure to do so, absent good cause, will be a sufficient basis for the Court to deny the motion.
- b. Motions to suppress, motions in limine, and motions to exclude shall clearly set forth the evidence sought to be suppressed or excluded, the specific reasons for the suppressions, and a general



statement of facts in support of the motion. See Fla. R. Crim. P. 3.190(h). “Boilerplate” motions or motions devoid of specific supporting allegations are not legally sufficient.

- c. Counsel shall file the original with the Clerk’s office and send a copy to chambers. Judge Altfield’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.

7. RETURN OF PROPERTY

The movant shall 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. **The movant must prepare a Notice of Hearing that includes the law enforcement agency holding the property and be prepared to show the Court proof that they were served.** This can be accomplished by (1) sending the Motion and Notice of Hearing to the agency by Certified Mail, Return Receipt Requested and bringing the green return receipt post card to court; or (2) obtaining a receipt from the agency verifying they were served with the Motion and Notice of Hearing.

8. TERMINATE OR MODIFY PROBATION/CC

A Motion to Modify or Terminate should include the Probation Officer’s, the Assistant 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. The Court will make a case-by-case determination.



9. INCREASE/REDUCE BOND

Counsel shall file the original Motion with the Clerk's office and send a copy to chambers. Counsel should, at a minimum, attach a copy of the A-form and Defendant's prior criminal history to the motion, along with any other documents Counsel wants Judge Alfield 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. Defense counsel shall notice the bondsman of the hearing. If a bondsman is willing to remain on the bond, the bondsman must either appear in court or provide defense counsel with an affidavit acknowledging that there has been a change in circumstance in the bond posted and that the bondsman is willing to assume the increased risk.

10. 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. If there is a valid objection by the State, the petition will be reset with notice to the filing attorney or self-represented litigant.

11. DISCOVERY MOTIONS

- a. Motions to compel discovery shall be in writing and shall include:
 1. the nature of the discovery sought and the date upon which the discovery was propounded and due;
 2. that there has been a complete failure to respond or object to the requested discovery, and the non-moving party has failed to request an extension of time to respond to discovery request; and



3. the moving party has conferred, or attempted to confer, with the party failing to make the discovery in an effort to secure the information or material without court action.

4. the moving party shall certify that counsel has attempted in good faith to resolve the issues with opposing counsel but has been unable to do so on a minimum of 3 occasions. Said motion should also describe movant's independent efforts to obtain the discovery sought.

b. Discovery motions (motions to compel, motions to perpetuate testimony, motions for protective order, etc.) shall be filed and served a reasonable time before hearing, to permit opposing counsel an opportunity to respond and to prepare for hearing.

c. If witnesses are not appearing for deposition, or the opposing party is not meeting its discovery obligations, and the moving party has complied with 11(a) (3) and (4), 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.

12. SUPPRESSION MOTIONS

File the original with the Clerk's office and send a copy to chambers. All motions must be filed well in advance of trial and no later than **10** days prior to trial. Judge Altfield'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. Otherwise, the motion will be heard the week of trial if the court is unable to hear the motion before the trial week. The filing of suppression motions on the date of trial may result in a continuance attributed to the filing party.



13. SOUNDINGS

Judge Altfield holds Sounding calendars, usually two Thursdays prior to the scheduled trial date. All Defendants must appear, unless Defense Counsel has complied with Florida Rule of Criminal Procedure 3.180(a)(3), or Judge Altfield has waived the Defendant's presence.

Attorneys must cooperate with each other and with the Court in handling cases in a professional manner. In that regard, please observe the following:

- a. Please contact opposing counsel directly by phone, email or in person to resolve discovery issues prior to asking for the Court's intervention. Exchange business cards and (if possible) e-mail addresses to facilitate communication.
- b. Provide the Court with copies of any motions which are lengthy, unusual, or complex. The Court will review the motions prior to hearing and be in a better position to properly hear testimony and argument.
- c. Please notify opposing counsel as soon as there is a change in the status of your case. For example, when a case is set for trial and the State learns an essential witness is unexpectedly out of town, or defense counsel determines the client will be accepting a plea, notify opposing counsel of this change in circumstances as soon as possible.

14. PLEAS

- a. Judge Altfield will hear pleas every day. Counsel may call the JA to place a case on calendar for a plea. The JA will provide



a date and time. Negotiated pleas should be conveyed to, and fully discussed with the defendant **prior** to announcing the plea to the Court. Such discussion should include the possible penalties and the issues covered by Rule 3.172. If counsel wishes to address the Court on any issue regarding the plea (e.g., early termination of probation, length of stay to pay fine or costs), this should be done at the time the plea is first announced, not after the plea colloquy has been concluded. 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 Altfeld will not rule on a motion for a downward departure sentence unless the defendant has entered a plea or been found guilty.

III. MISCELLANEOUS POLICIES AND PROCEDURES:

- a. Judge Altfeld 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.



- d. Thursdays are reserved for Soundings. However, the judicial assistant will schedule the following matters on calendar any day:
- i. Any matter regarding pretrial release conditions.
 - ii. Any plea which will result in an in-custody defendant being released.

DONE and ORDERED on January 29, 2020.

/s/ WILLIAM ALTFIELD
JUDGE WILLIAM ALTFIELD
CIRCUIT COURT JUDGE