

DIVISION 11 INFORMATION AND PROCEDURES

1. JUDGE'S NAME & EMAIL: Ellen Sue Venzler (evenzer@jud11.flcourts.org)
(please copy the Judicial Assistant on any emails regarding court business)
2. JUDICIAL ASSISTANT'S NAME & EMAIL: Jacqueline Douglas (jdouglas@jud11.flcourts.org)
 - All emails to chambers **must** include all counsel in the same email.
3. BAILIFF'S NAME: Manuel Perez (mperez@jud11.flcourts.org)
4. Division Email: F011@jud11.flcourts.org Judge, Judicial Assistant and Bailiff will receive a copy, when using this email.
5. **CHAMBER'S INFORMATION**
1351 N.W. 12th Street, Miami, FL 33125, Room 603 / Courtroom 6 - 4
Phone #: 305-548-5478 Fax #: 305-548-5348
6. **PROCEDURES FOR PLACING MOTIONS ON CALENDAR:** Email a copy of the motion to the JA. You must copy opposing counsel on all emails. The JA will contact all parties via email with the date that the motion will be on calendar. The movant is responsible for preparing and serving a Notice of Hearing on all parties. The original motion & NOH must be filed with the clerk's office.
7. **METHOD OF PROVIDING COURTESY COPIES:** Courtesy copies should be emailed to JA.
NOTE: The *Clerk's Office does not* provide Judge Venzler with copies of motions 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, at F011@jud11.flcourts.org. If JAC does not require a hearing, the Court may enter the proposed order without a hearing after reviewing the documents. If JAC requests a hearing, or if Judge Venzler has concerns after reviewing the Motion and supporting documentation, the judicial assistant will contact you to 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 that the defendant has satisfied the *Nebbia* requirements. If there is no stipulation, email the documents to the JA who will advise all parties via email of the date for the *Nebbia* hearing. The movant must prepare

and serve the Notice(s) of Hearing.

- 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 originals with the Clerk and email a copy to JA (include petition, affidavit, FDLE Certificate of Eligibility, and proposed order pursuant to Rule 3.692, F. R. Crim. P.). Be sure to include the State Attorney and Arresting Agency in email. The JA will send an email to the attorneys with the date that the motion will be on calendar. The Defendant must prepare and serve the Notice(s) of Hearing. 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 motion will be scheduled at least two weeks later to allow the State and/or the arresting agency sufficient time to determine if they have any objection(s). It is the State's responsibility to determine whether the arresting agency has an objection to 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 Venzer **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 send a copy to chambers. Movant 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 Venzer to consider in increasing or reducing bond.
- i. TERMINATE OR MODIFY PROBATION/CC: Judge Venzer does not automatically grant termination or modifications of Probation or Community Control at the midway point, unless such a condition was specifically agreed to at sentencing by all parties. 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. The Court will make a case-by-case determination. Depending on the severity of the original charges, a defendant is advised to demonstrate that s/he has done more to show rehabilitation than merely comply with the terms of probation; complying with the terms of probation is already a prerequisite to terminate probation upon its expiration. It will likely be

insufficient to *early* terminate probation or modify community control.

- j. SUPPRESSION MOTIONS: File the original with the Clerk's office and send a copy to chambers. Judge Venzer'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. SOUNDINGS

- a. DO CLIENTS HAVE TO ATTEND: Yes, unless Defense Counsel has complied with Rule of Criminal Procedure 3.180(a)(3), or Judge Venzer has waived the defendant's presence.

10. MISCELLANEOUS POLICIES AND PROCEDURES:

- a. Judge Venzer 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 write it, the Court will read it. If you have case law, provide it *before* the hearing.