

DIVISION 11 INFORMATION AND PROCEDURES

1. **JUDGE'S NAME & EMAIL:** Honorable Ellen Sue Venzler (evenzer@jud11.flcourts.org)
(Please copy the Judicial Assistant on any emails regarding court business)
2. **JUDICIAL ASSISTANT'S NAME & EMAIL:** Amanda Gorotiza (agorotiza@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.
3. **BAILIFF'S NAME:** Manuel Perez (maperez@jud11.flcourts.org)
4. **CHAMBER'S INFORMATION:**
Address: 1351 N.W. 12th Street, Miami, FL 33125, Room 603
Phone #: (305) 548-5478
Fax #: (305) 548-5348
Zoom Meeting ID: 942-4794-1340
Division E-Mail: F011@jud11.flcourts.org
5. **TIME CALENDAR BEGINS EACH DAY:** 9:30am in courtroom 6-4.
6. **ZOOM:** All matters, other than Pleas, Evidentiary Hearings, and Trials, can be handled via Zoom.
7. **PROCEDURES FOR PLACING MOTIONS ON CALENDAR:** Submit a copy of the motion to chambers by e-mail. You **must** copy opposing counsel on all e-mails. (The JA will contact all parties, via e-mail, with the date that the motion will be placed on calendar. The movant is responsible for preparing and serving the Notice of Hearing to all parties). The original motion and Notice of Hearing must be filed with the clerk's office.
8. **METHOD OF PROVIDING COURTESY COPIES:** Courtesy copies should be e-mailed to chambers or JA. NOTE: The Clerk's office does **not** provide Judge Venzler with copies of motions that counsel submits through E-filing.
9. **POLICIES AND PROCEDURES FOR SPECIFIC MOTIONS:**
 - **CONTINUANCES:** Motions for Continuance may be made *ore tenus* at Sounding.
 - **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 Venzer has concerns after reviewing the Motion and supporting documentation, the Judicial Assistant will contact the attorney and set a hearing.

- **STIPULATED or AGREED MOTIONS:** A proposed order may be submitted to chambers as long as it is accompanied by a motion signed by both parties or an email or other proof indicating agreement of both parties.
- **NEBBIA MOTIONS:** Defense counsel should first present the documentary proof to the Assistant State Attorney and inquire whether the State will stipulate that the defendant has satisfied the Nebbia requirements. If there is no stipulation, submit the documents to chambers and the Judicial Assistant will advise all parties, via e-mail, of the date for the Nebbia hearing. The movant must prepare and serve the Notice(s) of Hearing.
- **MOTIONS IN LIMINE:** 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.
- **MOTIONS TO SEAL/EXPUNGE:** File the original motion with all supporting documentation to the Clerk's office and provide a copy to chambers (include petition, affidavit, FDLE Certificate of Eligibility, and proposed order pursuant to Rule 3.692, F. R. Crim. P.). The Judicial Assistant will e-mail the attorney's office with the date that the motion will be heard. Counsel does not have to be present at the hearing if all documents are in order.
- **MOTIONS FOR RETURN OF PROPERTY:** File the original motion with the Clerk's office and provide a copy to chambers. The Judicial Assistant will e-mail the attorney's office with the date that the motion will be heard. The motion must be served on the arresting agency and proof of said service must be provided at the hearing. The motion will be scheduled at least two weeks later to allow the State sufficient time to determine if it, or the arresting agency, has any objection(s). It is the State's responsibility to determine whether the arresting agency has an objection to the motion.
- **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 date. 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.
- **MOTION TO INCREASE/REDUCE BOND:** File the original with the Clerk's office and provide a copy to chambers. Counsel should attach a copy of the A-form and defendant's criminal history to the Motion along with any other documents counsel wants Judge

Venzer to consider in increasing or reducing bond. The Judicial Assistant will e-mail the attorney's office with the date that the motion will be heard.

- **TERMINATE OR MODIFY PROBATION OR COMMUNITY CONTROL:** Judge Venzer does not automatically grant termination or modifications of Probation or Community Control at the midway point. 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.
- **MOTIONS TO SUPPRESS:** File the original motion with the Clerk's office and provide a copy to chambers. Judge Venzer's Judicial Assistant will place the case on calendar soon thereafter so the parties and the calendar clerk can select a special set date and time for the hearing.

7. SOUNDINGS:

- Clients must attend the sounding hearing, unless defense counsel has complied with Rule of Criminal Procedure 3.180(a)(3), or Judge Venzer has waived the defendant's presence.

8. MISCELLANEOUS POLICIES AND PROCEDURES:

- 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>).
- 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, in its discretion, deny a continuance in these circumstances, if counsel has not filed a Motion to Compel.
- If you write it, Judge Venzer will read it. If you are relying on case law, please provide it *before* the hearing.