

DIVISION 12 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: F012@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: Ray Rondon

5. CHAMBER'S INFORMATION
 - a. Address: 1351 N.W. 12th Street, Room 212, Miami, FL 33125
 - b. Phone #: 305.548.5761
 - c. Zoom ID: <https://zoom.us/j/94800453981>

6. ZOOM: All matters, other than pleas, evidentiary hearings, and trials, can be handled on Zoom. The judge calls private lawyers on Zoom after all out-of-divisions lawyers who are present in the courtroom have had their matters heard. Turn on your video when you are ready to be called. If your video is off, the judge will assume you are busy in another Zoom hearing.

Likewise, defendants on Zoom will be called after all the defendants in the courtroom have had their matters addressed.

7. PROCEDURES FOR PLACING MOTIONS ON CALENDAR: Send a copy of the motion to chambers by email. 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.

8. METHOD OF PROVIDING COURTESY COPIES: Courtesy copies may be provided by email or hand-delivery.

9. POLICIES AND PROCEDURES FOR SPECIFIC MOTIONS

- a. CONTINUANCES: Motions for Continuance may be made *ore tenus* at Sounding.

- a. JAC MOTIONS: Submit the Motion to have the 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 de la O has questions after reviewing the Motion and supporting documentation, the judicial assistant will set the Motion on calendar for hearing.

- b. *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 a 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.

- c. LIMINE MOTIONS: Motions in Limine must be filed in writing no later than the Wednesday before trial. Failure to do so, absent good cause, is sufficient basis for the Court to deny the Motion.

- d. SEAL/EXPUNGE: File the original with the Clerk's office and send a copy to chambers. The JA set the motion on calendar. Counsel does not have to be present at the hearing if all documents are in order.

- e. RETURN OF PROPERTY: File the original with the Clerk's office, send a copy to the State, the agency in possession of the property, and to chambers. The judicial assistant will set the motion 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.

- f. *ARTHUR* HEARINGS: Defense Counsel must first speak with the assigned ASA to ascertain if the parties can agree to 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. In most cases, the hearing will be set for the next business day if the request is made before 3:00 pm. 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, both sides are **strongly** encouraged to provide any videos, transcripts, evidence, etc., which the parties will rely upon 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.

- g. INCREASE/REDUCE BOND: File the original with the Clerk's office and email 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 schedule the hearing for the next business day if the motion is provided to Chambers before 3:00 pm.
- h. 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. Please include a copy of the A-form and the Defendant's criminal history.
- i. SUPPRESSION MOTIONS: File the original with the Clerk's office and send a copy to chambers. The judicial assistant will place the case on calendar to select a special set date and time for the hearing.

10. 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.

11. 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.