

Judge Michelle Marie Urbistondo

Miami-Dade County Court Judge
CRIMINAL JAIL DIVISION
COURTROOM 6-5, 6th FLOOR
ZOOM MEETING ID NO.: 912 1118 1073

INFORMATION AND PROCEDURES

Effective January 5, 2026

I. ADMINISTRATIVE INFORMATION

a. Judicial Assistant's Name and Email Address:

Mr. Stephan Dania – SDania@jud11.flcourts.org

(If you email the Judicial Assistant, you must copy all counsel of record in the same email.)

b. Court Specialist's Name and Email Address:

Ms. Laura Prieto – LPrieto@jud11.flcourts.org

(If you email the Court Specialist, you must copy the Judicial Assistant and all counsel of record in the same email.)

II. CHAMBERS AND COURTROOM INFORMATION:

Richard E. Gerstein Justice Building

1351 NW 12th Street, Room 616, Miami, FL 33125

Tel. No.: 305-548-5194

Virtual Courtroom Zoom Meeting ID.: 912 1118 1073

Zoom Dial-In Number for all virtual courtrooms: 786-635-1003

III. COURT CONDUCT:

- The Court requires all parties to be professional, civil and respectful always. Attorneys are 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

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adopted by Eleventh Circuit Administrative Order 2-14-01-A1 and the Court expects attorneys to always act professionally.

- The Court reminds the parties of the importance of professionalism, civility, good faith, and candor before the tribunal. Zealous advocacy is encouraged and can/should co-exist with the professionalism required by the Florida Bar Rules. Zealous advocacy may not be invoked as a justification for behavior inconsistent with the civility and professionalism mandated by the Florida Bar Rules.

IV. **METHOD OF APPEARANCE**

a. **APPEARING VIRTUALLY BY ZOOM:** Zoom is provided as a courtesy to parties and counsel for arraignments and certain pre-trial proceedings. **Zoom is not a substitute for appearing in person on scheduled trial dates.** Zoom appearance is permitted for all matters except pleas where fingerprints are required, evidentiary hearings, probation violation hearings, trials and any other hearing or appearance where the Court requires in person attendance. Non-jury trials may be conducted virtually with appropriate waivers executed and the Court's prior approval. All zoom participants must comply with the rules outlined in "**Judge Urbistondo's Standing Order on Virtual Court Appearances**" in the *Documents* section of Judge Urbistondo's judicial webpage.

b. **IN-PERSON PROCEEDINGS:**

- All evidentiary proceedings and trials (bench and jury) are heard in person;
- All probation violation hearings are held in person and the defendant must be present in person;
- All fatality trials are held in person;
- Motions to Set Aside a Bench Warrant and/or Motions to Quash a Violation of Probation Warrant; and
- Any other hearing or appearance where the Court requires in person attendance.

V. **CASES REQUIRING THE DEFENDANT'S FINGERPRINTS**

- All adjudications
- All Petit Theft charges
- All Probation pleas
- All DWLS charges (whether or not the Court withholds adjudication)

VI. PLEAS:

- Attorneys are encouraged to convey pleas to the Defendant or Defense counsel as soon as readily able, preferably in writing. The first time an attorney hears a plea offer should not be when the case is called by the Court.
- A Defendant may take a plea on zoom so long as agreed to by both sides and the plea does not require the defendant's fingerprints. If fingerprints are required, then, the Defendant must appear in person, and the defense attorney may choose to appear on zoom or in person. If the State allows the Defense to file the fingerprints, then, the original fingerprint card needs to be e-filed prior to the Defendant taking the plea.
- A duly executed waiver is required from the defendant for the defense attorney to appear for trial check-in and to take a plea on behalf of the defendant. The waiver must include the rights the defendant waives and the deportation consequences because of taking the plea. The rights waiver must be signed by the defendant and notarized. If the defendant's signature is an electronic signature, then, the notary should indicate on the waiver that the notary is permitted to conduct remote notarization or electronic signatures.
- **CHANGES OF PLEA:** 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., reduction of supervision costs or extended stay for court costs), this should be done at the time the plea is first announced, not after the plea colloquy has been concluded. Executed Rights Waiver Forms should be submitted before a plea colloquy begins.

VII. MOTIONS and MOTION PRACTICE:

- a. Motions must be in writing unless otherwise specified, or in emergency situations, and shall comply with Fla. R. Crim. P. 3.190(a). "Boilerplate" motions or those devoid of specific supporting allegations are not legally sufficient. The Court expects the parties to confer to resolve motions and narrow issues before any motion hearing. The Court strongly encourages the parties to confer to resolve motions and narrow issues prior to setting any motion and to submit agreed orders to the Court as necessary. The first discussion of an issue should never be when the

Court calls the case. One e-mail that goes unanswered is not conferring. Please try to resolve issues amongst yourselves.

- b. Courtesy Copies:** The Court will read whatever materials are submitted by the parties and prefers e-mail submission (please contact the judicial assistant for additional instructions if submissions exceed 75 pages). Courtesy copies should be delivered to the Court by way of e-mail to the Judicial Assistant and copied to the other party or parties to the case no less than five (5) days before the scheduled hearing.
- c. MOTION TO SET ASIDE BENCH WARRANT:** Motions to set aside bench warrants must be heard in person, unless otherwise allowed by the Court. If there is a bond on the case that was estreated, the motions must attach an affidavit from the bondsperson that the surety is willing to remain on bond. Failure to do so may result in denial of the motion.
- d. MOTION SEAL/EXPUNGE:** Defendants shall file the original with the Clerk's Office and send a copy to the Judicial Assistant to set on Motion Calendar. Counsel/Defendant does not have to be present at the hearing if all documents are in order.
- e. MOTION FOR RETURN OF PROPERTY:** Defendants must file the original motion with the Clerk's Office and provide a copy to the Judicial Assistant and cover opposing counsel for the motion to be set. The motion will be scheduled on or about 10 days after to give the moving party time to notice the arresting agency of the hearing and 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. After the filing of the motion for return of property, the defendant must contact the Judicial Assistant to schedule the motion on Calendar. Then, defendant must file a notice of hearing indicating the date, time, physical address, and zoom meeting ID for the motion calendar hearing date for your motion for return of property. Notices should be sent to the legal department for that agency with at least ten (10) days' notice. Both the motion and notice of hearing need to be served on the agency holding the property as well as the State. Failure to file/provide notice/proof of notice to all interested parties will be grounds for denial of the motion.

- f. **ALL OTHER MOTIONS:** Please contact the Judicial Assistant to set any motions. The written motions must be filed with the Clerk of Courts and emailed to the Judicial Assistant, who will reply with a hearing date. If you do not get a response within 24 hours, kindly contact our office via telephone or email the Court Specialist.

VIII. PROPOSED ORDERS:

- a. **AGREED/UNOPPOSED MOTIONS AND PROPOSED ORDERS:** A proposed order may be electronically submitted in Word format to chambers if accompanied by a motion signed by both parties or an email or other proof indicating agreement or non-opposition. The Court endeavors to enter proposed agreed/unopposed orders within one business day of submission. All orders will be transmitted to the clerk.
- b. **PROPOSED ORDERS ON CONTESTED MOTIONS:** When requested by the Court, proposed orders should be submitted electronically in Word format. If the parties cannot reach a consensus as to form and content, please advise that competing orders will be submitted.

IX. SETTING MOTIONS FOR HEARING:

- a. **MEET AND CONFER REQUIREMENT:** Prior to setting any motion for hearing, counsel for the movant shall confer (orally or in writing), or make a reasonable effort to confer (orally or in writing), with all parties who may be affected by the relief sought in the motion in a good faith effort to resolve by agreement the issues to be raised in the motion. Counsel conferring with movant's counsel shall cooperate and act in good faith in attempting to resolve the dispute. If, after conferring, certain issues have been resolved by agreement, the parties shall inform the Court of the issues so resolved and the issues that remain unresolved.
- b. **SPECIAL SET AND/OR EVIDENTIARY HEARINGS:** Special Set and/or Evidentiary Hearings will be heard in accordance with "Judge Urbistondo's Division Calendar" in the Documents section of Judge Urbistondo's judicial webpage.
 - i. Motions must be filed and served upon opposing counsel five (5) days prior to being heard. See Fla. R. Gen. Practice and Jud. Admin. Page 2 of 4 2.514

regarding computation of time. A copy of the filed motion must be forwarded to the Judicial Assistant by e-mail once filed to ensure it is properly scheduled. E-mails must include the subject line: HRG 11/29/2021 M21-012345 JOHN DOE. The setting party is responsible for noticing all hearings.

- ii. Absent exceptional circumstances, motions may be special set for hearing no sooner than one (1) week before the case is set for trial. *Id.* Failure to timely comply with this directive may result in continuance of trial attributable to the non-compliant party.
- iii. The Court reserves the right to restrict the number of motions heard on a particular setting or reset motions that require additional time to argue.

c. Motions to Compel, Motions to Set Aside Bench Warrant and D6, Motions to Set Aside Bond Estreature, Motion to Depose, Motions for Bill of Particulars, and Motions to withdraw, for example, need not be specially set and may be addressed during any report setting; standard Motions in Limine will be addressed pre-trial so long as it is filed five (5) days prior to same. Failure to timely comply with this directive may result in continuance of trial attributable to the non-compliant party or striking the Motion as untimely.

d. **PLACING CASES ON CALENDAR:** Please contact chambers by e-mail to request a matter be placed on calendar, other than for special set and/or evidentiary hearing. The opposing party must always be copied on the request. The request should indicate the defendant's name, case number, motion/matter to be addressed, whether an interpreter is required, which language is required, whether the defendant's presence is required and whether in person or virtual, and should include a copy of any motion to be heard. Requests to set cases on the following day's calendar must be received by 12:00 PM absent exceptional circumstances and are limited to time sensitive matters. Once the matter has been scheduled, the Judicial Assistant will reply to the scheduling request email with a date and time on motion calendar.

X. **TRIALS:** Trials will have a virtual calendar call in the morning and will be conducted in person that afternoon once the Court has finished addressing all cases set on calendar that day. Defendants and counsel are to appear in person for trial. A defendant's failure to appear may result in the issuance of a bench warrant for his/her arrest. The Court will generally complete jury selection on the first day and begin testimony immediately thereafter. The Court does not require witness appearance until testimony is required.

Virtual non-jury trials will be conducted after the final calendar call. Please note, the Court allows sixty (60) minutes for the parties to check in, discuss and prepare before calling the trial calendar. Trial Notices and Witness Subpoenas for trials state Monday (for misdemeanor cases at 8:00AM) or Tuesday (for traffic at 8:00AM) and the Court will call the calendar at 9:00AM and so forth. While a subpoena may indicate “Monday” or “Tuesday,” the parties are expected to be ready and/or advise of their own, as well as witness, availability throughout that week should the trial roll over for another day of the week or take longer than one (1) day.

- XI. MISCELLANEOUS:** The Court solicits input and feedback from attorneys. You are in a unique position to provide comment and insight on courtroom procedures and opportunities for improvement. If there are procedures you would like to see implemented in Court, or if you have an opinion regarding existing procedures, please share those opinions with us.