

## FELONY MARTIN COUNTY

My assignment is, it is as follows:

My assignment for the both Felony (A) and (B) divisions. Judge Levin will conduct all arraignments.

My schedule is available on this website.

I will be on time, unless absolutely necessary. My schedule is as follows:

|                        |          |
|------------------------|----------|
| 7:15 a.m. to 8:45 a.m. | - Office |
| 8:45 a.m. to 12 p.m.   | - Court  |
| 12 p.m. to 1:30 p.m.   | - Lunch  |
| 1:30 p.m. to 5:00 p.m. | - Court  |

Each Month I will conduct all matters for a particular division, ie: A in January, B in February, and so on.

Nearly each morning at 8:45 I have time set aside for Change of Pleas or Bond hearings, these are for either division. So regardless whether it is an A or a B month, the COP/BOND hearing time can be used for any case.

You will notice on a Monday of each month that under the scheduled mini-docket for Jury trials is the following "(M. to S. DKT)" – what this means is that all Motions to Suppress that are filed and where hearing has been requested shall be noticed on this date. The motions will be set from this docket call as back up matters to the Jury trials at some point during the trial period.

You will also see the motion times which are for all other motions, other than Motions to Suppress. Please contact Ula (my JA) for hearing time. Please have the motion filed prior to obtaining a hearing time.

I am assigned to Courtroom A3-2 (Formally "F")

I will also handle all 3.850 motions in either division, all hearings will be handled on the Fridays noted on my schedule, generally it is the last Friday of each month at 8:45.

There is a general belief that a judge falls into one of two categories, one that controls (or tries to control) every ongoing event in the courtroom/case and the other that is more of an umpire or referee who opines only when requested. I fall primarily into the latter category. If asked to make a decision, I will. Experience has shown me that the best outcomes are those achieved by agreement. I firmly believe in the three branches of government and that my judicial role is to ensure that rights are protected and that justice is done. As a neutral arbiter, I will follow agreements or will listen to both sides if matters are in dispute. There are items which I urge all parties to avoid. They are not following the law, being rude and obstinate, and wasting time. It is in these situations where I will tend to intervene. I believe that we all have a job to do and I expect us all to act accordingly, so it is a relatively relaxed courtroom. I expect us to get our jobs done while following the law, the applicable procedures, and while upholding the dignity that our courts require.

Sherwood Bauer, Jr.  
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## **CRIMINAL/FELONY DIVISION**

### **GENERALLY:**

- Please be prepared for what we are scheduled to do that day *before* you arrive.
- Please talk to the opposing party/attorney *before* you get to court.
- I will follow the plea you work out (unless unlawful). You know the case better than I do.
- Please be timely. I realize that you may get to court on time and have to wait, but if your case is scheduled at 8:45 a.m., then 8:45 a.m. is when you and your client are to be there.
- If a plea is open to the Court, I will be happy to review any material you have, but, when possible, would appreciate the information to be provided to my office a few days in advance. A brief, letter, or memorandum is appreciated, as long as a copy is provided to the other party.

- Be respectful, polite and courteous to others, which includes not having *excessive* or loud conversations in court. Obviously, cell phones need to be off or on silent.
- I am unswayed by theatrics. I listen to the questions and the answers. Being loud, aggressive, or colorful does not help. Get to the point.
- I call a docket in the following manner: Private attorneys first, alphabetically, followed by Special Public Defender's cases, followed by Public Defender cases.
- All Defendants must be present at all hearings or dockets unless specifically excused by me or in special circumstances.
- I review and complete nearly all paperwork in my office each day and unless I am waiting on additional information, will turn the paperwork around in the same day or the next.

### **SPECIFICALLY:**

- **TRIALS:**
  - The attorneys and the clients must be present at that mini-docket. The cases will be set from that mini-docket onto the trial dates for that division, which includes the day that the mini-docket is held.
  - Trial procedure is simple. Follow your rules of procedure and your code of ethics.
  - I will try to accommodate your schedules to the extent that I can. Understand that I too have a schedule and I must factor in the effect on jurors, clerks, the jail, and the rights of the Defendants and victims.
  - I do not allow speaking objections and therefore I want to hear "objection \_\_\_\_\_" only. If I can make a ruling without more, I will do so. If I cannot or you want to be heard, it will occur at the bench / sidebar.

- I will accept pleas at any time during the proceedings. If the parties negotiate an outcome at any time, it will be followed. If the Defendant wants to plea at any time open to the court, he/she may do so.
- My trial schedule is 9:30 a.m. to 12 p.m. and 1:30 p.m. to 5:00 p.m. and I prefer not to have a jury begin deliberating after 3:30 p.m., so factor that in you estimate of how long a case will take.
- The State is responsible to prepare the final jury instructions. I do provide the instructions in written form to the jury for their deliberations, so the final instructions need to be in near perfect form. The State is also responsible to prepare the verdict form.

- **PLEAS/MOTIONS:**

- Please use the plea form which has been prepared for use in Martin County/19<sup>th</sup> Circuit.
- Please have an accurate time served number, an agreed upon scoresheet, and any other necessary orders (DL revocation, restitution order, etc.) at the time of the plea/sentencing.
- I will go through the plea colloquy with the Defendant. You do not need to ask any questions, unless you feel so compelled.
- On my schedule, where you see COP/MOTIONS, these are times for changes of plea or motions. Please call Ula Sullivan, my JA, and ask for time, you will get it. Notice must be provided by you to the opposing party with ample notice. Ula will notify the Jail to have the client brought to court if necessary. You need to let her know if it is necessary.
- Any motions must be set for hearing by calling my office and setting them with Ula Sullivan, my JA. The original motion must have been filed with the clerk with a copy to opposing party and have an agreed upon (with other party) date (or possible dates) before asking for a hearing.
- You must then prepare a Notice of Hearing and provide a copy of it to the opposing party and to me. I also need a copy

of the motion and, unless not possible, a copy of any case law you will use.

- Be accurate on the time you need and ask Ula for it. You will get the time, just help me with accuracy.
- I take very little under advisement and rule from the bench nearly every time, so if you want a written order, be prepared with a proposed order or you need to prepare it afterwards, with agreement by the other party, and provide it to me.