

ST. LUCIE COUNTY FELONY DIVISION

PROCEDURAL MEMO

MICHAEL C. HEISEY, CIRCUIT JUDGE

Last updated 12/16/2022 10:41 AM

Laurie Verzi, Judicial Assistant

Email address for Felony Matters: SLCJudge5@circuit19.org

EFFECTIVE JANUARY 9, 2023

(All court appearances will be in person. Zoom appearances will not be permitted.)

Change of Pleas: The Court's requirement for submitting a fully executed plea form and accurate scoresheet for review prior to receiving a change of plea date will remain in effect. See below **Change of Pleas (COP) (including VOP)**.

Ex Parte Communication: All communication with the Court and Judge shall be in open court with all parties present, in writing or by email copied to opposing counsel and/or filed with the Clerk and served on all parties. All emails must include all parties and the case number in the subject line, or they will be disregarded.

In-Court Surrenders: Not permitted except for extraordinary circumstances and only by prior approval of the Court.

Arraignment: If a written plea of not guilty has been filed prior to arraignment, the attorney nor the defendant need to appear for arraignment. If the case is called, it will be noted that the written plea of not guilty has been filed.

Waiver of Appearance: A Waiver of Appearance must be filed for each pre-trial hearing, unless the waiver specifically sets forth that the defendant knowingly and voluntarily waives his/her appearance at **any** pre-trial hearing and elects to appear through undersigned counsel. A copy of the **efiled waiver** must be available to present to the Court.

Docket Call: Docket Call for Public Defender (9:00 a.m.) and Private (9:00 a.m.) will be once a month on separate dates. **All court appearances will be in person. Zoom appearances will not be permitted.** Docket Call dates are posted on the Court's online calendars. Private lawyers with one client will be called before lawyers having multiple clients. Plea negotiations and client discussions shall take place before court commences. **Defendants who are inmates will not appear at Docket Call, unless requested in advance by email to SLCJudge5@circuit19.org, at least 2 full business days in advance of the docket call. All defendants not in custody must appear unless excused prior to Docket Call.** Defendant's appearance at Docket Call may be waived by efilng a Waiver of Appearance with the Clerk at least three (3) business days prior to Docket Call. A copy of the **efiled waiver** must be available to present to the Court at Docket Call. Failure to appear when the case is called or failure to appear with a copy of the Waiver of Defendant's appearance at Docket Call will result in the issuance of a Bench Warrant without bond; unless counsel requests, and the Court agrees, to recall the case at the end of the Docket, with counsel present. Defense counsel is responsible to have their clients in the courtroom when their case is called, if a Waiver of Appearance has not been efiled.

Sentencing: You must be prepared to provide the Court with an accurate credit for time served.

CHANGE OF PLEAS “COP” (including VOP): *The Court’s plea form (Word format) is available on Judge Heisey’s webpage. NOTE: Digital signatures must comply with Florida Rule of Judicial Administration, 2.515 Signatures and Certificates of Attorneys and Parties.*

Special Set Hearings over One (1) Hour: Please email the motion to be scheduled to the Judicial Assistant and include the case number/case name, motion(s) and the amount of time needed in the subject line. Opposing counsel must be included when emailing the J.A. Your email must state the parties have agreed to the amount of time necessary for the hearing. In addition, you must confirm your motion has been e-filed. Hearing time will not be given out over the phone. ***Additional motions may not be “piggy-backed” by cross-notice unless counsel first confirms with opposing counsel, and the Judge’s Judicial Assistant that sufficient additional time can be reserved to hear them. Please do not include this office in email chains to coordinate hearing times.***

All Hearings must be cleared with opposing counsel: Good faith cooperation is expected from counsel and their support staff. Should counsel or their staff fail to respond within three (3) business days, or refuse to cooperate in obtaining or in setting a hearing, the difficulty should be specifically set forth either in a motion or in the notice of hearing. Forward a copy of the Notice of Hearing via email to the Judicial Assistant. Should a notice of hearing not immediately be forwarded to the Judicial Assistant via email, after a special set hearing is obtained, such hearing will not be placed on the Court’s docket.

PROPOSED ORDERS:

DO NOT submit proposed orders prior to hearings, unless requested to do so by the Court. The proposed order **must** reflect the date of the hearing, that it is ex-parte or coming before the Court in chambers. All motions must be filed through the e-portal prior to submission of the proposed order. All **proposed orders** are to be submitted to the Judicial Assistant, SLCJudge5@circuit19.org, in **WORD** format, *along with a copy of the motion* which may be submitted in WORD or pdf format. The document should be named in a searchable format, which contains a short style of the case, short case number and short name of order. **SAMPLE: SoF v. Doe 22CF303**

O-Cont. The proposed order must utilize the Supreme Court Case Numbering System (County Code, Year, Division and Six digit number with no dashes, .i.e.: 562022CF000303). Your order must contain a complete service list, setting forth eservice address, as well as any postal addresses if there is no eservice address. **Orders that do not contain eservice addresses will be efiled, but no copies will be provided by this office.** Signed orders will be efiled and e-served via the eportal. The party submitting the order will be responsible for providing any copies that are to be sent via U.S. Mail.

Orders submitted/entered in Court: Orders entered in open court are not efiled or eserved by this office. The original order will be filed by the Clerk of Court. You must bring sufficient copies for conforming by the Clerk. You are responsible for providing copies to all parties, whether by conformed copy in open court or by U.S. Mail or eservice.

Continuances: **DOCKET CALL-** Unopposed Motions to Continue should be efiled and a copy, along with a proposed order (in WORD format) forwarded to the Judicial Assistant at SLCJudge5@circuit19.org, **no later than Noon the Friday before Docket Call (NO EXCEPTIONS).** If you are submitting a stipulation for continuance instead of an unopposed motion, the stipulation **must be** signed by all parties. This office does not accept emails as a stipulation. You must review the Court’s online calendars and fill in the new Docket Call date on the proposed order. If a continuance is requested, counsel will be required to advise the Court of the

number of continuances. If defense has already had two (2) prior continuances, good cause must be shown. The proposed order must reflect the date the matter is being continued from and the date the matter is being continued to (all dates are set forth on the Court's online calendars). If you do not have a copy of a signed order of continuance before Docket Call, you and your client **must** appear in person for Docket Call, if a Waiver of Appearance has not been filed. **VOP Docket Call** continuances must be submitted to the Judicial Assistant at SLCJudge5@circuit19.org, **no later than noon the Wednesday before VOP Docket Call, (NO EXCEPTIONS)**. Please review the Court's online calendar for the next date and fill in the agreed date on the proposed order. *Last minute continuances on all matters will not be granted except for extraordinary circumstances. All other continuances must be submitted to the Court at least three (3) full business days in advance of the day the matter is currently set before the Court. For your convenience, a form order in Word format for continuance is located on the Court's webpage.*

Waiver of Appearance: A Waiver of Appearance must be filed for each pre-trial hearing, unless the waiver specifically sets forth that the defendant knowingly and voluntarily waives his/her appearance at **any** pre-trial hearing and elects to appear through undersigned counsel. A copy of the **efiled waiver** must be available to present to the Court.

Pretrial/Suppress Motions: All pretrial motions, motions to suppress and pretrial objections shall be made or efiled at least 10 days prior to trial.

Emergency Hearings: If an emergency situation arises, counsel may request that a hearing be set on short notice. The body of the motion must contain a detailed explanation of the circumstances constituting the emergency as well as the substance of the motion. The motion must be emailed to the Judicial Assistant, SLCJudge5@circuit19.org, for review by the Court prior to a hearing being set. If the Court determines that an emergency exists, the Judicial Assistant will contact counsel to set the hearing.

Competency Hearing: Upon receipt/filing of a competency evaluation finding Defendant competent to proceed, defense counsel **must** set a competency hearing, in order for the Court to make a competency determination/finding.

Inmates/Defendants (transport/attendance): It is the attorney's responsibility to advise the Judicial Assistant, by email at SLCJudge5@circuit19.org, if any inmate needs to be transported from the **local jail** for a hearing or Docket Call at least two (2) business days prior to the hearing. It will be the responsibility of the defendant and attorney to ensure the defendant's presence. If a defendant needs to be transported from **DOC**, it is the responsibility of **defense counsel** to submit an order to transport to the Judicial Assistant by email at least fifteen (15) business days in advance of the hearing/docket call date. *The order should indicate service to the St. Lucie County Sheriff's Office-Transport, via certified copies provided by the Clerk's Office.*

Certificates of Service: Your certificate of service **must be** complete. Make sure that you include all parties and their central eservice addresses.

Eservice addresses you may find useful:

Public Defender: PD19eservice@pd19.org
State Attorney: SA19eservice@sao19.org
Office of Regional Conflict Counsel: CriminalServiceSLC@rc-4.com