

Judge Roby

FELONY DIVISION PROCEDURES

Online Calendars/ Scheduling Hearings. *All hearings must be coordinated with opposing counsel. Failure to do so will result in the motion being stricken from the court's docket.* All motions must be filed with the Clerk prior to scheduling your motion for hearing. 9:00 AM Hearing Slots 'Bond/COP' is for only bond/COP hearings that require 10 minutes or less. All Bond Hearings/COP's that require ten (10) minutes or less can be scheduled using the Court's online scheduling system – at 'Bond/COP' hearing slots only (special set hearing time can also be used for all types of motions/COPs/hearings). Hearings must be scheduled at least 2 business days prior to the hearing date. The Court's calendars are posted online at https://slccjis.stlucieco.gov/attorney_calendar (instructions on scheduling are below). *Please do not contact the Judicial Assistant about scheduling unless you have reviewed these procedures and the online calendar/schedule.* All hearings scheduled online must be cancelled online by Noon the day before the hearing if not going forward. A notice of cancellation should also be e-filed (with a copy sent to hamiltone@circuit19.org). Failure to coordinate hearing time and failure to timely cancel a hearing could result in the loss of your online scheduling privileges. If you have any questions regarding these procedures please do not hesitate to email: hamiltone@circuit19.org. *Any issues relating to your login and/or use of the online calendar should be directed to: webmaster@circuit19.org.*

Bond Motions/COP (10 minutes or less). The motion must be e-filed with the Clerk prior to scheduling your motion. Simply go online and find hearing time under "COP/Bond"; "COP"; or "Bond Hearings", confer with opposing counsel to coordinate (excepting urgent bond motions) and schedule the appropriate time online. E-file your notice of hearing. Email the motion (.pdf is fine) and proposed order (.pdf format) to hamiltone@circuit19.org at least two (2) business days prior to the hearing with the style of case and hearing date in the subject line/email. E-file your responsive memos or pleadings with the Clerk and send us a copy as well @ hamiltone@circuit19.org. *All motions require scheduling and notice at least 2 business days prior to the hearing.*

Bond hearings. Bond hearings must be set online at least 2 business days prior to the hearing. ****NOTE**:** Please do not set for rehearing any motion to set bond, reduce bond or otherwise establish pretrial release conditions for any defendant in any case in which those matters have already been heard and ruled upon by any other judge; UNLESS there has been a change in circumstances. Judicial reassignment is NOT a change in circumstances. As with any hearing, please confer with opposing counsel to determine the length of time that will be needed before contacting my judicial assistant for hearing time.

Change of Pleas (including VOP). All plea offers shall be conveyed to defense prior to docket call. Defense counsel shall fully discuss the plea with the Defendant prior to announcing the plea to the Court. The plea form must be fully completed and executed prior to the COP hearing.

Special Set Hearings 1-hour or less. Any other motion that requires five to sixty (5-60) minutes can be scheduled using the Court's online scheduling system at the '**special set**' or '**felony motions**' hearing slots. **All hearings must be coordinated with opposing counsel.**

Motion to Suppress Hearings 30 min. and more. Please do not schedule a Motion to Suppress any morning or afternoon where there has already been a motion to suppress scheduled. (*i.e., no more than one motion to suppress should be scheduled per morning or afternoon.*)

If scheduling a hearing for the same defendant with multiple case numbers, enter all case numbers under the same hearing slot. (One hearing slot for each defendant, not for each case number.)

The Case Type is the motion(s) set for hearing (M/Suppress, M/Early Termination of Probation, M/Recall B/W; COP, etc.); the Case Number is 16CFXXXXA & 15CFXXXXA (enter all case numbers as needed); the style is SoF vs. Defendant—the first and last name of the defendant is required.

Special Set Hearings over sixty (60) minutes. Please email the motion to be scheduled to the judicial assistant at hamiltone@circuit19.org and include the case name/case number, motion(s) and amount of time needed in the subject line. Opposing counsel must be included when emailing the JA. Your email must state the parties have agreed to the time needed for the hearing. And, you must also confirm that your motion has been e-filed and coordinated with opposing counsel. **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.

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 3 business days, or refuse to cooperate in obtaining or in setting a hearing, the difficulty should be specifically set forth either in the motion or in the notice of hearing. After filing any motions or notices with the Clerk, a copy of any and all motions and notices of hearing must be immediately forwarded to the Judicial Assistant through the e-portal and/or via U.S. Mail. Should a notice of hearing not immediately be forwarded to the Judicial Assistant after special set hearing time is obtained, such hearing will not be placed on the Court's docket.

Appearance by telephone: Telephone hearings are permitted as long as there is not testimony or evidence. No motion or order is necessary. All telephone appearances must be made through CourtCall, a company which provides connection between the parties and the courtroom for a flat fee, or any third party provider that the Court can access. When you know the date and time of your hearing you **must call CourtCall directly** at **1-888-882-6878 Ext. 870** to arrange for your appearance by phone. You must schedule your CourtCall appearance at least three (3) working days prior to the hearing. **If Counsel who filed the motion appears by telephone, they must submit a proposed order at least five (5) business days prior to the hearing (generic orders granting/denying with at least five lines for additional provisions may be used).**

Cooperation of counsel: If counsel does not cooperate, the requesting party may unilaterally set a hearing giving at least two weeks' notice to the opposing counsel who failed to cooperate.

Docket Call. Private Attorney & Public Defender docket call is usually held once per month. Counsel must appear in person, telephonic appearance is not allowed. Private lawyers with one client will be called before lawyers having multiple clients. Plea negotiations and client discussions shall take place before Court commences. Inmates will not be transported unless requested in advance and all defendants not in custody must appear unless excused prior to Docket Call. Changes of plea will be accepted at 2:00 pm – the afternoon of docket call. Defendant's attendance at docket call is required unless specifically excused by the Court prior to docket call; ***defendant's appearance at docket call may be waived by e-filing a Waiver of Appearance with the Clerk's office at least three (3) business days prior to docket call. Counsel should have available a copy of the waiver to present to the Court at docket all, if needed.*** Failure to appear when the case is called or failure of counsel 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 filed.

Continuances. An Unopposed Motion to Continue should be e-filed and an order (in .pdf format) forwarded to the Judicial Assistant (SLCJudge5@circuit19.org) no later than Noon on Wednesday the week prior to docket call (***NO EXCEPTIONS***). If a continuance is requested, the motion must state ***the number of prior continuances, and if more than 2 and defendant is incarcerated, the number of days incarcerated.*** If defense has already had 2 prior continuances, good cause must be shown.

Pretrial/Suppress Motions. All pretrial motions, motions to suppress and pretrial objections shall be made or filed at least 10 days prior to trial. Hearings on Motions to Suppress must be set at least 20 days in advance. The motion should be e-filed with the Clerk prior to scheduling your motion.

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 faxed to the Court before a hearing will be set. The Court will review the motion and, if it is determined an emergency exists, the Judicial Assistant will contact counsel to set the hearing.

Inmates/Defendants. It is the attorney's responsibility to advise the judicial assistant (hamiltone@circuit19.org) if an inmate needs to be transported for a hearing or DC at least 24 hours prior to the hearing. It will be the responsibility of the defendant and attorney to ensure the defendant's presence, as the Clerk will not provide reminder cards.

Ex Parte Communications. All communications 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. No party or attorney shall otherwise communicate directly to the Court. All emails must include all parties and the style of the case, or they will be disregarded.

Jury Instructions. Prior to closing statements, proposed jury instructions and verdict form shall be emailed to hamiltone@circuit19.org in Word format.

Procedure to schedule hearings is as follows:

1. Log on to https://slccjis.stlucieco.gov/attorney_calendar **You must register to obtain your user id and password on the site;**
2. Click on case Scheduling;
3. Enter County, Judge Roby's name, month & year in drop down fields;
4. Hit Available Hearing Time: View button and a screen will opening showing all available hearing times;
5. You need to look for available dates/time under "COP/Bond" or "Felony Motions." (**any issues relating to your login and/or use of the online calendar should be directed to: webmaster@circuit19.org**). Please do not contact the Judicial Assistant.

To communicate with the Judge's office:

hamiltone@circuit19.org (questions, special requests, etc.)

All motions/proposed orders, jury instructions/ verdict forms:

SLCJudge5@circuit19.org. **Orders must be submitted in both .pdf and Word format.**