PROCEDURES - MARTIN COUNTY FELONY DIVISION
ELIZABETH A. METZGER, CIRCUIT JUDGE
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Physical Address: Martin County Courthouse, 100 East Ocean Boulevard, Stuart, Florida, 34994
Address for Notices of Hearing (all evidentiary hearings): Courtroom 3-2, Martin County Courthouse, 100 East Ocean Boulevard, Stuart, Florida, 34994
Telephone: (772) 223-4827
The preferred method of communication with this office is via **Email**: **sedas@circuit19.org**
Webpage: https://www.circuit19.org/judges/judge-elizabeth-metzger/

Online Calendars/ Scheduling Hearings:

Any motion requiring five to sixty (5-60) minutes can be scheduled using the Court's online scheduling system using the "COPs/Short Motions" (for hearings requiring 10-minutes or less) or "COPs/Motions" hearing timeslots. ***All hearings must be coordinated with opposing counsel. Failure to do so will result in the motion being stricken from the court's docket.***

The Court's calendars are posted online at https://slccjis.stlucieco.gov/attorney_calendar/.

All motions must be filed with the Clerk prior to scheduling your motion for hearing. Hearings must be scheduled at least 2 business days prior to the hearing date. Simply go online and find available hearing time under "COPs/Short Motions" (for hearings requiring 5-minutes or less) or "COPs/Motions" (1 hour or less), confer with opposing counsel to coordinate and schedule the appropriate time online. ***Hearing time will not be given out over the phone.*** E-file your Notice of Hearing. Email the motion (.doc or .pdf format) and proposed order (.doc format) to SedaS@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 at SedaS@circuit19.org.

The Case Type is the motion(s) being set for hearing (Examples: M/Suppress, M/Early Termination of Probation, M/Recall B/W; COP, etc.).
The Case Number is 24XXXXXXCF. **Please use one hearing slot for each defendant, not for each case number.** (If there are multiple cases being scheduled for the same date and time, please schedule one of the cases on the online calendar and provide the additional case numbers to the Judicial Assistant, via email, to be added to the calendar.)

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 scheduled online must be cancelled online if not going forward. A Notice of Cancellation should also be e-filed (with a copy sent to SedaS@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: SedaS@circuit19.org.

Please do not contact the Judicial Assistant about scheduling unless you have reviewed these procedures and the online calendar/schedule.

Procedure to schedule hearings using the Court's online calendar/scheduling system: Be sure to click on the Martin Calendar for Judge Metzger when utilizing this system:

1. Logon to https://slccjis.stlucieco.gov/attorney_calendar/
   You must register to obtain your user ID and password on this site;
2. Click on case scheduling;
3. Enter County, Judge Metzger's name, month and year in drop down fields;
4. Hit available Hearing Time: View button and screen will open showing all available hearing times;
   Any issues relating to your login/use of the online calendar should be directed to: Christopher.Baker@stlucieco.gov and not to this office.

Please use a short form of case number when using on the online calendar, Example: 22CF303.

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, SedaS@circuit19.org , in **WORD** format, *along with a copy of the motion* which may be submitted in WORD or pdf format and a cover letter signed by counsel. 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.: 43 2022 CF 000303). 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.

Ex-Parte Communication:

Please do not ask the Judicial Assistant or other Court personnel to communicate any message to the Judge, as this is prohibited ex-parte communication. The Court's staff is not permitted to relay ex-parte information to the Judge. All communication with the Court shall be in open court with all parties present, in writing or by email copied to opposing counsel/party, and/or filed with the Clerk of Court. No party or attorney shall otherwise communicate directly with the Court. ***All emails must include all parties, the style of the case, and the case number or they will be disregarded.***

In-Court Surrenders:

Not permitted except for extraordinary circumstances and by PRIOR approval of the Court, this includes motions to set or reduce bond or for ROR on pending warrants.

Arraignment:

Appearance is to be in person. If a written plea of not guilty has been filed prior to arraignment, neither 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:

Private Attorney & Public Defender Docket Call is usually held once per month. Counsel may attend the Docket Call in person or via Zoom. Telephonic appearances are not permitted. Plea negotiations and client discussions must take place before Court commences. **Inmates will not be transported unless requested in advance, and all Defendants not in custody are required to appear unless excused 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 for having their clients in the courtroom when their case is called if a Waiver of Appearance has not been filed. Changes of plea will be accepted the afternoon of docket call, time permitting.

Mini Docket Call:

Appearance by Counsel may be by Zoom, but appearance by defendants must be in person. NO WAIVERS WILL BE ACCEPTED FOR THIS HEARING.

Sentencing:

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

Change of Pleas "COP" (including VOP):

A fully executed plea form and accurate scoresheet for review must be submitted to the Court **PRIOR** to setting a change of plea. *The Court's plea form (Word format) is available on Judge Metzger's*

webpage. NOTE: Digital signatures must comply with Florida Rule of Judicial Administration, 2.515 Signatures and Certificates of Attorneys and Parties. 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 over One Hour:

For any hearing requiring more than 1 hour, please email the motion to be scheduled to the Judicial Assistant, SedasS@circuit19.org, and include the case number/case name, motion(s) and the amount of time requested for both sides 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 and a statement explaining exactly why more than 1 hour is needed. 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 coordinating 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.

UMC- Felony Bond/Short Motion Hearings:

As indicated on the online calendar, generally 8:45 a.m. to 9:30 a.m. "Bond/Short Motions" 10 min. or less (5 min. each side) and non-evidentiary in nature. Efile your motion with the Clerk of Court, then go the Court's online calendar/scheduling system, **at least 5 business days in advance of the hearing**. ***All hearings must be coordinated with opposing counsel.*** 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.) ***NOTE:*** 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 on by any other judge (not including first appearances); **UNLESS** there has been a change in circumstances. Judicial reassignment is **NOT** a change in circumstances.

Continuances:

An Unopposed Motion to Continue must be e-filed and an order (in **WORD** format) forwarded to the Judicial Assistant (SedaS@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 the defendant is incarcerated, the number of days incarcerated***. If defense has already had 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 SedaS@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.*

Request for Remote Appearances via ZOOM:

If a party requests to appear remotely for a non-evidentiary hearing lasting less than 30 minutes, pursuant to Fla. R. Gen. Prac. & Jud. Admin. Rule 2.530 and Fla. R. Crim. Proc. 3.116, the moving party must file a written motion 20 days prior to the scheduled hearing. The motion must be served on all parties with a courtesy copy sent via email to SedaS@circuit19.org. The nonmoving party will have 10 days from the service of the motion to object to the use of communication technology. A party waives objections to the use of communication technology by failing to timely object. A ruling on the motion will be entered in chambers after the Court considers any objection or after the time for objection has lapsed.

The cost for the use of communication technology is the responsibility of the requesting party.

Pretrial/Suppress Motions:

All pretrial motions, motions to suppress and pretrial objections shall be made or efiled at least 30 days prior to trial. These motions **MUST** be set for hearing at least 14 days prior to trial or the matter will be deemed waived.

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, SedaS@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.

Motions to Compel Discovery:

Discovery Disputes usually arise in civil cases. For the most part, prosecutors and defense counsel can conduct discovery without judicial intervention.

A party cannot file a motion to compel with the court without first working cooperatively with the other party to resolve the dispute.

A motion to compel discovery or for sanctions for failing to answer or respond must include a certification that the movant has in good faith conferred or attempted to confer with the party failing to act in an effort to obtain the answer or response without court action.

The certification must include a description of the communication held or attempted in attempting to resolve the matter, including the date, time, and participants in each communication.

No motion to compel discovery will be heard where the parties did not comply with the foregoing procedures.

Inmates/Defendants:

It is the attorney's responsibility to advise the judicial assistant (SedaS@circuit19.org) if an inmate needs to be transported for a hearing or Docket Call at least 2 business days 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.

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:	CriminalServiceMC@rc-4.com