

TOPICS FOR ZOOM QUESTION TIME

Hey all you cool cats and kittens, it's Judge de la O from the Criminal Division.

I. WHY ZOOM

- A. FSC mandated.
- B. No juries trials before 6-1and realistically, not sure when.
- C. Lots we can do in the meantime.
 - Pleas
 - PVH
 - Arthur hearing
 - SYG and other M/Dismiss
 - M/Suppress
 - Competency Hearings

II. CAPACITY

- A. Right now we have 2 courtrooms and webcams at all facilities.
 - 1. 1-5 for Bonds and extraditions at 9 am and 1:30.
 - 2. 4-1
 - a) 9 am for arraignments – no defendants
 - b) 10 am for get-out-of-jail pleas reset from arraignments
 - c) 10:30 am and 1 pm special sets
- B. Starting next week we will have a second courtroom, 4-7, for just special sets.
Can be scheduled from one day to the next.
- C. We will add more as demand increases.
- D. Only persons present in court, Judge, clerk, court reporter. Corrections for arraignments.

III. PROCEDURE FOR HAVING MOTIONS CALENDARED AND HEARD

- A. Motions
 - 1. Send email to the division email F____@jud11.flcourts.org (copy OC)
 - 2. Include the motion and any other documents you want the judge to review.
 - 3. Advise whether your client is in custody
 - 4. Email addresses for all participants (including witnesses).
 - 5. Advise whether anyone will need an interpreter, who will be on Zoom.
 - 6. Judge will review and determine if hearing is necessary.
 - 7. JA will get back to you with hearing date and time and Zoom meeting ID.
 - 8. JA will advise clerk and corrections.

- B. Pleas
 - 1. Is the Defendant in custody? Most important question.
 - a) If not, why set?
 - b) If you do need to set, email the JA and make special request.
 - 2. Will it get defendant out of custody?
 - a) If it will, JA should set for the next day, regardless of who's on the bench.
 - b) If it won't, coordinate for a time when the division judge will be hearing special sets.
 - 3. When plea is set, JA will advise corrections and clerk.
 - a) Defendant will be on video from the facility.
 - b) If you need to confer, breakout room.
- C. Evidentiary rules (Admin Memo) coming. Highlights
 - 1. At least 48 hours before the hearing, provide the judge, opposing counsel, witness (and witness' counsel), electronic copy or image of any item of evidence you will seek to introduce. Electronically file this submission through the e-filing portal at the same time.
 - 2. Send with an exhibit list describing each item, along with columns that identify whether a particular item was admitted into evidence or not.
 - 3. The Court may require that non-documentary evidence be submitted physically to the Clerk's office for preservation of the record, or it may require an image of the physical item be filed with Clerk in lieu of the original item.
 - 4. Clerks will print out and exhibits will be in the file.

IV. ZOOM MECHANICS

- A. Public hearing. Anyone with code can enter.
- B. Will not be recorded (exception maybe for perpetuation)
- C. Virtual backgrounds – gives you privacy and less distracting.
- D. Breakout rooms – Gives you privacy and can be used as sidebar.
- E. Raise hand - click "Participants" at the bottom center, then on the right side of the screen, click the button labeled "Raise Hand." Mobile is on left side.
- F. Waiting rooms – some judges will use. Bailiff can interact with you.
- G. Can Phone in and/or video. Have cell ready to go if you lose internet.
- H. Dress code. Appropriate.

V. SOME RESOURCES

- A. Zoom Help Center: <https://support.zoom.us/>
- B. Administrative Orders regarding Covid-19:
<https://www.jud11.flcourts.org/coronavirus/AO>
- C. Zoom backgrounds
<https://www.westelm.com/pages/features/zoom-virtual-backgrounds/>
<https://www.elitedaily.com/p/8-zoom-office-backgrounds-to-make-your-video-calls-look-professional-22643940>
- D. FAWL Article on Zoom hearings
<https://www.mdawl.org/post/zoom-baby-what-litigators-need-to-know-about-virtual-court-hearings>

VI. Q & A

A. Are Zoom hearings being contemplated for capital matters? Particularly when D is still located on death row.

No. No setup in State prison. If D is in MDC, and a hearing is required, then we'll accommodate.

B. How far out are arraignments being set for out of custody defendants? How does this affect speedies?

FAR....June. Everything is tolled right now.

C. For big files (i.e. videos of statements or video surveillance), how do I send those to the Court? Is there a system like Dropbox that I could send the evidence to?

Court has no system. You can use your Dropbox, OneDrive, or Google Drive to share a file. There are also websites that provide this service (<https://send-anywhere.com/> 10GB).

D. Concerning exhibits in evidentiary hearings: should we attempt to get stipulations ahead of the hearing? If no stipulation can be reached, how will the Court handle the laying of the predicate for introduction of the evidence? How do we get the exhibits to the clerk? Will clerk continue to mark them or should we be pre-marking them? How will the clerk take custody of the exhibits if the hearing is longer than one day?

ALWAYS try to get stips. Predicate will be laid same way as always. Exhibits are pre-filed. You should have pre-marked them and provided an exhibit list.

E. Concerning the introduction of physical evidence: where should that evidence be located? For example, if it is narcotic evidence, the detective or officer would have to keep the item unless the clerk takes possession of it.

Can be delivered to the clerk.

F. How do you play recordings of 911 calls, video surveillance, etc. on Zoom in an evidentiary hearing?

Send to judge. It can be played, if necessary, for the witness over Zoom. But this needs to be arranged ahead of time so judge can get comfortable and practice.