



*State of Florida
Ninth Judicial Circuit of Florida*

ORANGE COUNTY CRIMINAL COURT BUILDING
POST OFFICE BOX 4934
425 N. ORANGE AVE., SUITE 820
ORLANDO, FLORIDA 32802-4934
407-836-0521

WILFREDO MARTINEZ
COUNTY JUDGE

KEITRA DAVIS
JUDICIAL ASSISTANT

PROCEDURES FOR COUNTY CRIMINAL DIVISION 50

Division 50 is a County Criminal Division in Orange County Florida which handles the following: County Criminal Domestic Violence Cases; Battery DV; Violation of DV Injunction; Assault DV; Stalking DV and Cyber Stalking DV.

ASSIGNMENT OF CASES TO DIVISION 50

The cases are assigned to Division 50 at arraignment upon the defendant entering a plea of not guilty to the charges filed against them. If the State has not made a charging decision the case is also reassigned to Division 50 and scheduled for status hearing to make sure the case moves timely.

BOND HEARINGS

Bond Motions including Motions to Modify Conditions of Release on County Criminal Domestic Violence cases are heard by Division 50. Please contact Keitra Davis, Judicial Assistant by email at CTJAKD3@OCNJCC.ORG to schedule a bond hearing on all County Criminal Domestic Violence cases, even if formal charges have not been filed

MOTIONS TO CONTINUE

This division does not automatically grant first time continuances at Pre-Trial Conference. The Motion to Continue must be filed prior to the Pre-Trial Conference delineating the legal basis for a continuance. The Motion to Continue will be addressed at the Pre-Trial Conference and are not ruled upon in chambers. Emergency Motions to Continue are e-filed with the Clerk of Court with a copy emailed to the Judicial Assistant at CTJAKD3@OCNJCC.ORG to be followed by a phone call to the J.A. Depending on the nature of the emergency, the Court might act on it in Chambers. An attempt should be made prior to filing, to contact the opposing side to see if there is an objection and such information should be included in the Emergency Motion to Continue.

PRE-TRIALS & TRIALS

Judge Martinez requires all defendants to be present at the Pre-Trial Conference unless a waiver of appearance for Pre-Trial Conference is filed pursuant to the Florida Rules of Criminal Procedure. The rule requires that the form must be signed by the defendant and filed prior to the Pre-Trial Conference. Counsel is required to attend the Pre-Trial Conference.

Trials are scheduled Tuesdays, Wednesdays and Thursdays. Trial call starts at 8:30 a.m. The defendant and counsel must appear on the day of trial. If the defendant intends to enter a plea of guilty or no contest, the attorney should be prepared with a fully executed plea form. If the Attorney has a conflict and will be late for Court, the Attorney **should call** the Judicial Assistant with the reason for being late, what Judge they are before and the estimated time of arrival so the Court can be informed.

Please advise the Judicial Assistant several days prior to the date of the trial/hearing of any party who is hearing impaired. If you need a TV/VCR for Court you must go to the ninthcircuit.org website; click on the *Programs and Services* drop down menu, to *Audio/Video Services*. From here you must email your request to: Avrequest@ocnjcc.org by using the link provided or Fax your request to: 407-836-5042. If all else fails, call 407-836-0522. Your request must be received at least 48 hours in advance of trial/hearing.

INTERPRETERS

Requesting Interpreters for Proceedings: If the services of an interpreter are needed at a court proceeding, the attorney, or opposing counsel, must so inform the Judicial Assistant when scheduling the proceeding or as soon as the need for interpreter services is identified. The request should specify whether one or multiple interpreters are needed.

Requesting Interpreters for Trials: As a best practice, two interpreters should be assigned for jury trials. Trials requiring interpreter services shall be coordinated with the Court Interpreter Office no less than two (2) business days in advance from the scheduled date for Spanish interpreters, no less than ten (10) business days in advance of the scheduled date for Creole, Portuguese and American Sign Language interpreters, and no less than thirty (30) days for all other languages (LLDs).

VIOLATION OF PROBATION

This Division conducts VOP Pre-trials and VOP Arraignments prior to a VOP Hearing. The appearance of the attorney and client are required at both the VOP Pre-trials, VOP Arraignments and VOP Hearings.

MOTIONS

All original Motions and proposed Orders must be filed with the Clerk of the Court. Copies to the necessary parties will be the responsibility of the moving party. Prior to filing your motion, please contact opposing counsel and incorporate their position in the motion. The moving party is to provide copies of the order and self-addressed stamped envelopes for copies to be mailed to all parties (with the exception of the State Attorney and Public Defender, whose copies can be inter-office by the Judicial Assistant). Once you have filed the motion with the Clerk of Court, you may call or email the Judicial Assistant to set a hearing on the Motion.

PETITIONS TO SEAL AND EXPUNGE

For Petitions to Seal and Petitions to Expunge, the proposed order must comply verbatim with Fla. R. Crim. P. 3.989 to be considered. In addition to e-filing, please make sure that the original FDLE Certificate of Eligibility to Petition for a Seal or Expunge Order and original defendant affidavit are filed with the Clerk of the Court.

MISCELLANEOUS

If you have any questions, please feel free to call the Judicial Assistant regarding procedures for Division 50. Please never advise your client to call the Judge's office. Represented Defendants who call the Judge's office will be instructed to contact their attorneys.

In case you telephone the Judicial Assistant and the call is directed to voice mail, please leave a brief message and therein clearly state the name of the client, case number, your name, your phone number and the reason for the call. Your call will be returned promptly.

Please note: These procedures apply to **Judge Martinez** only. It is recommended

that you refer to the procedure of each judge or contact the Judicial Assistant in that division for instructions.