



# DIVISION 72 PRACTICES AND PROCEDURES

**Judge A. Christian Miller**

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County Court / Misdemeanor

[www.circuit7.org](http://www.circuit7.org)

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## Remote Appearances

- Except as provided below, anyone wishing to appear remotely for a court proceeding must submit a written request through the Clerk of Court.
- The Court uses Zoom for remote appearances when permitted. (<https://zoom.us>)
- All requests for remote appearance will be considered on a case-by-case basis. However, the following general guidelines currently apply:
  - *Defendants residing **within** Volusia County must appear in person unless permission is given otherwise.*
  - *Defendants residing **outside** Volusia County may appear by Zoom upon filing of a written request and proof of residency. A photocopy of a driver's license or ID card will be accepted as proof of residency.*
- Licensed attorneys may appear remotely for any non-evidentiary hearing, **except for docket sounding**, without further order.
- Any defendant granted permission to appear remotely for arraignment or case management will be rescheduled to a Zoom-only arraignment/case management session, which is currently scheduled monthly. **The request for remote appearance, if it results in resetting the court date for a later date/time than originally scheduled, will be treated as a request for more time, which results in a waiver of speedy trial.** For more information about the right to a speedy trial, [see Florida Rule of Criminal Procedure 3.191.](#)

## Hearing Procedures

- Prior to scheduling a matter for hearing, the party seeking relief from the Court shall contact all other relevant parties to obtain their position(s) on the relief requested. The other party's position(s) shall be stated in the motion.
- To obtain available hearing time, please contact Judicial Assistant Karen Lloyd by email at [klloyd@circuit7.org](mailto:klloyd@circuit7.org) or by calling (386) 626-6592.
- The party scheduling the hearing shall file a notice of hearing promptly and provide a copy to all opposing parties. The notice of hearing shall clearly indicate the following: the matter(s) being heard, the time reserved, the presiding judge, and the date and time of the hearing.
- A hearing may only be cancelled by the party scheduling the hearing, by agreement of the parties, or by the Court. The party cancelling the hearing

shall file a notice of cancellation promptly and provide a copy to all opposing parties and the Court.

### Cross Noticing Hearings

- A party wishing to cross notice a matter for hearing shall first seek permission from the party that initially reserved the hearing time to determine their position. If the parties agree to add on the additional matter, the party seeking to add on the new matter shall file a cross notice of hearing promptly and send a copy to the opposing parties. The cross-hearing notice shall also comply with notice of hearing requirements stated above.
- If the opposing party objects, the party seeking to cross notice shall contact the Court's Judicial Assistant and seek permission from the Court before cross noticing the matter.

### Unilaterally Scheduling Hearings

- Prior to scheduling any hearing, the party requesting the hearing time shall make **good faith reasonable efforts** to coordinate the date and time of the hearing with all opposing parties.
- If, after making good faith reasonable efforts, the party is unable to coordinate a mutually agreeable date and time, a party may then unilaterally schedule the hearing.
- The notice of hearing shall indicate that it is unilaterally scheduled, and the party (or counsel) must certify in writing that they have made good faith, reasonable efforts to coordinate the scheduling of the hearing with the opposing parties.

## Communications with the Judge's Office

- Due to ethical rules governing the Court, the Court (including the Court's Judicial Assistant) cannot have *ex parte* communications with any party except under limited circumstances.
- Any party wishing to communicate with the Court regarding scheduling, should follow the procedures outlined above under "Hearing Procedures."
- All communications with the Court, other than scheduling, should be done in writing and filed through the Clerk of Court.

## Submission of Orders

- Proposed orders should be submitted in Microsoft Word format using the Court's division email address: [division72@circuit7.org](mailto:division72@circuit7.org).
- If the language of the proposed order is agreed to between the parties, the Motion and proposed order shall indicate as such.

## Courtesy Copies (to chambers, opposing parties)

- Parties are encouraged to e-mail courtesy copies of any motions to the opposing party prior to the hearing, preferably at the time of scheduling the hearing.
- Parties are strongly encouraged to submit any legal authority (statutes, regulations, case law) they desire for the Court to review at least **two (2) business days** prior to the hearing. Such materials may be emailed to the Judicial Assistant at [klloyd@circuit7.org](mailto:klloyd@circuit7.org) or delivered to the Court's chambers. It is requested that any voluminous materials (over 50 pages) be delivered to the Court's chambers.

## Emergency and Other Urgent Matters

- Any party wishing to be heard on an emergency or other urgent matter shall contact the Judicial Assistant Karen Lloyd by telephone at (386) 626-6592 to schedule a hearing. For more information on scheduling hearings, see "Hearing Procedures" section above.

## Exhibits for Evidentiary Proceedings

- No **original** exhibits should be filed with the Clerk of Court or the Court. Original exhibits must be kept by the party offering the exhibit and brought to the scheduled hearing. No party shall electronically file proposed exhibits with the Clerk of Court, including through the E-Portal.
- Parties may submit **courtesy copies** of any exhibits with the Court by emailing them to Judicial Assistant Karen Lloyd at [klloyd@circuit7.org](mailto:klloyd@circuit7.org), and a copy must be sent to all opposing parties simultaneously.
- Any voluminous exhibits (over 50 pages total) must be printed and delivered to the Court's chambers in lieu of emailing.

- Parties are encouraged to pre-mark original exhibits with Clerk of Court prior to any evidentiary hearings.
- For voluminous exhibits (individually or collectively), the parties are encouraged to contact the Clerk of Court to schedule a time prior to the scheduled hearing to accomplish the pre-marking.

## Pretrial Procedures and Conferences

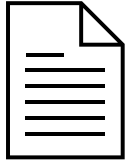
- The Court conducts pretrial conferences monthly. Upon entry of a not guilty plea, each case will be scheduled for a pretrial conference automatically, and the Clerk of Court will send notice of the pretrial conference date to all parties.
- For information about appearing remotely for pretrial conferences, see “Remote Appearances” above.

## Setting Case for Trial

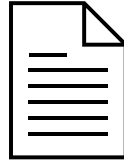
- Upon declaring a case ready for trial, the matter shall be scheduled for a docket sounding date. Docket Sounding will typically occur the Thursday morning immediately before the scheduled trial week.
- Jury trials are conducted one week per month, usually the last week of each month.
- Jury selection occurs on Monday of the trial week, and the trial will occur on a date(s) the same week to be determined by the Court, depending on the number of cases to be tried that week.
- Parties should advise the Court of any scheduling conflicts at the docket sounding.
- All parties and their counsel must attend docket sounding in person, unless otherwise permitted by Court Order. See “Remote Appearances” section above for more information.

## Preferred Division Forms

- The Court utilizes plea forms for pleas involving probation or jail sentences exceeding a time-served sentence. They are made available in the courtroom but are also available by clicking on the links below.



[Plea Form](#)



[Plea Form in Spanish](#)



[Violation of Probation  
Plea Form](#)

## Other Division Procedures

- No other division procedures apply currently.