

Judicial Practices and Procedures/Division 83

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A. Communications with the Judicial Office

- **Method of Communication:** All communications to the judicial office must be submitted by e-mail to mmcgowan@circuit7.org. The subject line must contain the case number, case name, and relevant matter. All parties must be copied on any email directed to the judicial office.
- **Ex parte Communications:** All communications with the judicial office must comply with Canon 3 of the Code of Judicial Conduct, which prohibits a judge from initiating, permitting, or considering ex parte communications and from considering other communications outside the presence of the parties concerning a pending or impending proceeding, unless authorized by law. All parties must be copied on any e-mail directed to the judicial office, unless an ex parte communication is authorized by law.

- **Unsolicited Communications:** Unsolicited communications from non-parties will not be considered by the court. Parties may only contact the judicial office in accordance with these practices and procedures.
- **Response to Inquiries:** The Court's judicial assistant is not authorized to provide legal advice. If the Court's judicial assistant is out of office, you will receive an automated response to your email with an alternate contact for assistance.

B. Scheduling Procedures

- **Motions:** All Motion(s) must be filed with the Clerk of Court **PRIOR** to requesting hearing time. Please state in your motion, the position of opposing party, whether they object or not to the motion.
- **Scheduling Hearings:** Hearings must be requested via email through the Court's Judicial Assistant, Margaret McGowan at mmcgowan@circuit7.org with **ALL** parties copied on the email request. In your email, please include case number, how much hearing time is needed and what motion(s) are being heard. The judicial assistant will respond to all parties with available hearing dates/times.
- **Notice of Hearing:** The party scheduling the hearing shall promptly prepare and file a Notice of Hearing to include the following: date and time of hearing, motion(s) to be heard, and amount of time reserved for hearing. Unless otherwise indicated, all hearings will be held in **Courtroom 4**, at the Steven C. Henderson Judicial Center, 125 East Orange, Avenue, Daytona Beach, Florida 32114. A notice of hearing involving any remote appearance must list the judicial Zoom credentials. All notices of hearing must contain the **ADA notification** required by Florida Rules of General Practice and Judicial Administration 2.540.
- **Materials Submission Deadlines:** The court must receive all materials for the hearing no later than **(3) three business days** before the hearing.
- **Order of Proceedings:** Matters may be heard in the order in which they appear on the docket, parties represented by attorneys may be heard first and parties who have complied with or completed sanctions may be called first.
- **Continuance Procedure:** Continuances of evidentiary hearings are disfavored and will be granted only upon good cause shown.

- **Cancelling Hearings:** A hearing may only be cancelled by the party who scheduled the hearing. A Notice of Cancellation **MUST** be filed with the Clerk of Court and the party cancelling the hearing **MUST** also email or call the Judicial Assistant to cancel the hearing. A hearing scheduled by the Court may **ONLY** be cancelled by the Court.

C. Appearing in Court/Remote Appearance

- **Appearing in Court:** All court proceedings for Division 83 are noticed to appear at the DB Annex (Steven C. Henderson Judicial Center), 125 E. Orange Avenue, **Courtroom 4**, Daytona Beach, Florida. **In person** appearance is required for all trials, evidentiary hearings and docket sounding unless permission is given to appear by zoom in advance.
- **Remote Appearance Procedure:** Any person wishing to appear by Zoom must submit a written request through the Clerk of Court (clerk.org). Attorneys are permitted to appear remotely for arraignments, case management conferences and pretrial conferences.
- **Platform Used:** The court uses Zoom for remote appearances.
- **Zoom Meeting ID#:** 386 257 6042.
- **Requirements:** Any person appearing remotely by Zoom, **must** be in a private location that is quiet and free from distractions. **Under no circumstances will a participant be permitted to appear remotely from a moving vehicle.** Dress and behave professionally in the same manner as if physically present in the courtroom.
- **Other Remote Appearance Procedures:**
 - **IF USING THE ZOOM APP:**
 - o Go to the downloaded APP
 - o Go to Join a Meeting
 - o The Meeting ID is: 386 257 6042
 - o Type in your name to identify your phone number by name
 - o Click “join a meeting”
 - o Enable Video and Audio
 - o You should hear: “You are in the meeting”
 - **IF USING A COMPUTER:**
 - o Go to <https://app.zoom.us/wc>
 - o Go to Join a Meeting

- The Meeting ID is: 386 257 6042
- Enable Video and Audio if not automatically enabled
- Type in your name to identify your phone number by name
- You should hear: “You are in the meeting”

Make certain your device is on mute. Do not speak until your case is called.

D. Submission of Orders

- **Format:** All proposed orders must be submitted in an up-to-date “**WORD**” format. PDF orders will not be accepted.
- **Submission Method:** Proposed Orders only should be emailed to division83@circuit7.org The division email account is solely for the purpose of submitting proposed orders. It does not allow for a reply and/or forward. Do not submit any pleadings or requests via this division email address.

E. Courtesy Copies of Case Law and Other Documents

- **When Required:** Courtesy copies of case law may be submitted to the court for any evidentiary proceeding.
- **Format: WORD** document if submitted electronically.
- **Submission Method:** E-mail the Judicial Assistant, mmcgowan@circuit7.org
- **Deadline for Submissions:** Courtesy copies must be delivered to the court no later than **three (3) days before** any evidentiary proceeding.

F. Emergency and Other Urgent Matters

- **Requirements:** If a party believes there is a factual basis for setting an emergency hearing, a detailed motion setting forth the following must be filed: (1) the issues to be resolved, (2) reasons why an emergency hearing is necessary, and (3) the amount of time needed for each party’s presentation.
- **Scheduling:** If the court determines that an emergency exists, a hearing will be scheduled unilaterally by the Court. All parties shall make themselves available for the emergency hearing, barring exigent circumstances.

G. Exhibits for Evidentiary Proceedings

- **Submission Method:** Submit all exhibits to the Clerk in court at the time of hearing.
- **Format:** Exhibits must be submitted to the Clerk of Court in paper format. Marked exhibits will be assigned a letter for identification and will receive a numerical designation if admitted as evidence.
- **Deadline for Submission:** Exhibits need to be brought to court the day of the scheduled hearing.

H. Pretrial Procedures and Conferences

- **Scheduling:** Pretrials are scheduled on a monthly basis and noticed by the Clerk.
- **Case Management Conference:** A Case Management Conference may be set by the Court when the Defendant waives speedy trial and is completing conditions for either a diversion or a specific plea offer. A Case Management Conference could be set by the Court to monitor cases that are not in a trial posture. Cases set for Case Management Conference may be reset for Pretrial if the case returns to a trial posture. Unless excused by the Court in advance, all CMCs are mandatory for all parties and attorneys
- **Scheduling:** The Court will schedule the CMC and provide the notice directly, or through the Clerk of Court.

I. Setting Case for Trial

- **Procedure:** If a case is set Ready for Trial at the Pretrial conference, a Docket Sounding date will be set. The Defendant must be present at the Docket Sounding, unless otherwise ordered by the Court.
- **Notice Period:** The Court does not routinely set date-certain trials. On the scheduled docket sounding, the Court will assign cases to specific days during the trial period and may assign back-up cases. Attorneys, parties, and witnesses are expected to be available during the entire trial period.

J. Forms

- **Access:** Division forms are available on the circuit's website:
- Plea form
- Plea form (Spanish)
- VOP Admission form
- VOP Admission form (Spanish)

K. Out of County Pleas

- **Procedure:** In order for a Defendant to enter a plea in a case pending in Flagler, Putnam, or St. John's counties, you must notify the Clerk's office at VolusiaCriminal@clerk.org and the Court's Judicial Assistant at mmcgowan@circuit7.org at least 24 hours prior to the plea hearing. You must include in your email the county and case number, and you must attach the charging affidavit or the VOP affidavit.

L. Other Division Procedures

- **ADA Accommodations:** If you need an ADA accommodation, please contact Court Administration at least seven (7) business days prior to your scheduled hearing.

Court Administration
101 N. Alabama Ave., Ste. B-206
DeLand, FL 32724
386-257-6096

- **Interpreter Requests:** If an interpreter is needed for a hearing or trial, please email interpreter@circuit7.org or call 386-626-6566.
- **Sign Language Requests:** If a sign language interpreter or accommodation is needed for hearing or trial, please contact Court Administration, 101 N. Alabama Ave., Ste., B-206, DeLand, FL 32724 or call 386-257-6096.

