

**IN THE COUNTY COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR MARION COUNTY FLORIDA**

STATE OF FLORIDA

vs.

Case Number:

**ORDER SETTING PRE-TRIAL CONFERENCE,
CHANGE OF PLEA SESSION, AND JURY TRIAL
For Judge LeAnn Mackey-Barnes**

The Defendant having entered a plea of NOT GUILTY to the charge(s) filed in the above-referenced action in the County Court of Marion County, Florida, in the above-referenced case, it is ORDERED AND ADJUDGED, as follows:

All of the court appearances described below shall be **IN PERSON** in **COURTROOM 3C**, Marion County Judicial Center, 110 NW 1st Avenue, Ocala, Florida 34475 in front of the Honorable LeAnn Mackey-Barnes.

1. A mandatory PRE-TRIAL CONFERENCE will be conducted as set forth below:

All Defendants represented by the **Public Defender, Regional Conflict Counsel and Pro Se (No Attorney)**, **with the last names beginning with the letters A through K** shall appear on _____ at 9:00 A.M.

All Defendants represented by the **Public Defender, Regional Conflict Counsel and Pro Se (No Attorney)**, **with the last names beginning with the letters L through Z** shall appear on _____ at 9:00 A.M.

All Defendants represented by a **Private Attorney** shall appear on _____ at 9:00 A.M.

The Defendant and his or her attorney shall appear in person for the Pre-Trial Conference ***unless a waiver of appearance*** is filed in writing before the hearing. The Court will consider negotiated pleas and ¹pleas in absentia (²qualifying plea agreements). Changes of pleas will be accepted and are encouraged.

2. A mandatory CHANGE OF PLEA SESSION will be conducted as set forth below:

¹ All pleas entered in absentia must include an outline of the charges with maximum possible sentence, the plea agreement, the defendant's waiver of rights and a fingerprint card, all signed by the defendant.

² A qualifying plea agreement is one that contains no offers of probation or jail time.

Defendant's Name: _____ **Case Number:** _____

All Defendants represented by the **Public Defender, Regional Conflict Counsel and Pro Se (No Attorney)**, **with the last names beginning with the letters A through K** shall appear on _____ at **9:00 A.M.**

All Defendants represented by the **Public Defender, Regional Conflict Counsel and Pro Se (No Attorney)**, **with the last names beginning with the letters L through Z** shall appear on _____ at **9:00 A.M.**

All Defendants represented by a **Private Attorney** shall appear on _____ at **9:00 A.M.**

The Defendant and his or her attorney shall appear, in person, for the Change of Plea. The Court will consider negotiated pleas and pleas in absentia (qualifying plea agreements). Changes of pleas will be accepted and are encouraged.

3. A **Jury Trial** is set before the Honorable LeAnn Mackey-Barnes commencing the week of _____ at **9:00 AM**, in **COURTROOM 3C**, at the Marion County Judicial Center, 110 NW 1st Avenue, Ocala, FL 34475-6601, and the Defendant and his or her attorney shall appear at that time for jury selection **in person**.

***No negotiated pleas will be accepted at Jury Selection**

***The Pre-Trial Conference and Change of Plea Sessions are not motion hearing dates. Specific times for a motion hearing may be scheduled with the Court's Judicial Assistant at dtownsend@circuit5.org.**

GENERAL INSTRUCTIONS APPLYING TO ALL DEFENDANTS AND ATTORNEYS

4. All appearances shall be **in person**.
5. Any Defendant who fails to appear on time, as required by this Order may have his or her bail revoked, and a warrant issued for his or her arrest.
6. Any Attorney who fails to appear as required by this Order shall be subject to contempt of court proceedings and appropriate penalties.
7. Everyone is expected to follow the posted Courtroom rules and the instructions of the Bailiff. Anyone failing to follow the rules or instructions may be asked to leave the courtroom, which may result in a warrant being issued for the Defendant's failure to appear. **Do not bring children to court.**
8. All pretrial motions should be filed with the Court **before** the Change of Plea date. All pretrial motions should be calendared and heard before the week of trial. Contact Judge Cotton's assistant to set hearings at dtownsend@circuit5.org. All pretrial motions shall be accompanied by a legal brief explaining the case law or other legal authority for the motion.

9. No negotiated pleas will be accepted at Jury Selection.
10. Trial continuances **will not be granted** without [1] good cause, and [2] a waiver of speedy trial.
11. The parties are encouraged to confer before trial to identify which issues can be agreed upon, including Motions in Limine, redactions of electronic evidence, jury instructions and applicable lesser-included offenses.
12. The State Attorney's Office shall be responsible for providing Jury Instructions to the Court. Jury Instructions can be submitted to the Court by e-mail to dtownsend@circuit5.org and should be in Word format. Preliminary Jury Instructions must be submitted with a copy to opposing counsel prior to jury selection.

Any proposed non-standard jury instructions shall be submitted prior to the jury instruction charge conference. Supporting case law for the non-standard instruction should be included with the submitted instruction.

13. The Clerk of this Court is directed to serve a copy of this Order to the Office of the State Attorney, Defendant, attorney for Defendant, and bail bondsperson, if any, and certify such service.
14. **All hearings will be conducted in Courtroom 3C of the Marion County Judicial Center, 110 N.W. 1st Avenue, Ocala, Florida 34475, unless otherwise notified.**
15. **"Alternative Courts"** in Marion County include: [1] Misdemeanor Drug Court; [2] Mental Health Court; [3] DUI Court; and [4] Veterans Treatment Court. An application for admission to any of these courts is required to be completed and filed with the Marion County Court Alternatives Office **PRIOR TO the Change of Plea hearing set for this case.** For those Defendants seeking to participate in a post-adjudicatory court, the Defendant must have been accepted into the alternative court before pleading guilty or no contest.

Information about these alternative courts and applications for the programs can be found at the following websites:

1. Misdemeanor Drug Court <https://www.circuit5.org/programs-services/drug-court-programs/marion-county-misdemeanor-drug-court/>
2. Mental Health Court <https://www.circuit5.org/programs-services/mental-health-court-programs/marion-county-mental-health-court/>
3. DUI Court <https://www.circuit5.org/programs-services/drug-court-programs/marion-county-dui-court/>
4. Veterans Treatment Court <https://www.circuit5.org/programs-services/veteran-treatment-court/marion-county-veterans-treatment-court/>

Defendant's Name: _____ Case Number: _____

DONE AND ORDERED this ____ of _____, 20____ at Ocala, Marion County, Florida.

LeAnn Mackey-Barnes
County Judge

IMPORTANT NOTICES

Prior to your court event please contact your attorney or visit www.marioncountyclerk.org to confirm the status of your hearing.

Pursuant to F.S. 316.193(8), you are hereby notified that the driving privileges of any person convicted of DUI or DUBAL will be suspended or revoked and that such person should make arrangements for transportation at any court proceedings at which the Court may take such action.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator at the Office of the Trial Court Administrator, Marion County Judicial Center, 110 NW First Avenue, Ocala, Florida 34475, Telephone (352)401-6710, or email: ada@support.circuit5.org, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

DEFENDANT'S ACKNOWLEDGMENT

The undersigned Defendant does hereby acknowledge receipt of a copy of the foregoing Order on the below date.

X _____
Signature

Mailing Address

City State, Zip Code

☐ C/O Defense Attorney

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Order has been furnished to the following parties in the manner and on the date(s) indicated below.

GREGORY C. HARRELL, Clerk of Court and Comptroller,
Marion County, Florida (352) 671-5544

DATE	COPY FURNISHED TO	HAND DEL	U.S. MAIL	ELECTRONIC SERVICE	BY
	DEFENDANT				
	STATE ATTORNEY				
	DEFENSE ATTORNEY				
	BAIL BONDSMAN				
	OTHER				
	OTHER				