

IN THE CIRCUIT COURT OF THE *(enter circuit number)* JUDICIAL CIRCUIT
IN AND FOR *(enter county name)* COUNTY, FLORIDA

STATE OF FLORIDA,

FELONY DIVISION
CASE NO. *(enter case number)*

vs.

(enter defendant's name),

Defendant.

_____ /

**FIRST CASE MANAGEMENT ORDER AFTER ASSIGNMENT OF
THE POSTCONVICTION JUDGE,
APPOINTING COURT REPORTER, AND
NOTICE OF FIRST STATUS CONFERENCE**

This capital postconviction case came before the court on its own motion for case management on *(enter date judge assigned to case)* when the undersigned judge was assigned to this case. The appellate mandate was issued on *(enter date of mandate)*. It is the court's intent to implement case management procedures that comport with the timeframes specified in Florida Rules of Criminal Procedure 3.851 and 3.852, and Florida Statute, section 27.7081; to enable the timely entry of a final order within two years after the initial motion is filed. To accomplish this goal, the court finds and orders as follows.

The court will

- conduct the first status conference within 90 days after the judicial assignment, and subsequent status conferences every 90 days thereafter.
- appoint a court reporter by this order.
- enter case management orders and an order at the conclusion of each hearing and conference.
- require that pleadings be e-mailed to the parties and staff attorney in addition to filing and normal service, or use e-filing procedures when implemented.
- e-mail orders to the parties and staff attorney in addition to filing and normal service, or use e-filing procedures when implemented.
- dispose of motions or objections requiring a hearing no later than the next regularly scheduled status conference.
- report the quarterly planning and status of case activities to the chief judge or person designated for reporting to the supreme court every January 1, April 1, July 1, and October 1, from the date of the mandate.
- conduct all non-evidentiary hearings in (*enter name of county where judge is assigned*) where the judge is assigned absent objection by the parties, and will conduct the evidentiary hearing in (*enter name of county where trial*

conducted) where the trial was conducted unless stipulated otherwise by the parties. *[include this section for decentralized circuits only]*

- avoid setting hearings during the first full week of the month when the supreme court may schedule oral argument on other capital cases involving the same attorney general and collateral counsel.
- determine the availability and accessibility of the trial transcripts and the trial appellate record as soon as practical.

The attorney general will

- notice the mandate and public records requirements to the state attorney, the department of corrections, and trial counsel by (*calculate and enter date = mandate + 15 days*).
- make a good faith effort to assist in the timely production of public records and written notices compliance by the state attorney and the department of corrections by (*calculate and enter date = mandate + 105 days*).
- notify additional persons or agencies identified by the state attorney and trial counsel of public records requirements by (*calculate and enter date = mandate + 120 days*).

- make all efforts necessary to ensure timely production of public records and written notices of compliance by additional persons or agencies identified by the state attorney and trial counsel by (*calculate and enter date = mandate + 210 days*).

The state attorney will

- notice law enforcement agencies of public records requirements by (*calculate and enter date = mandate + 30 days*).
- notify the attorney general of additional persons or agencies with information pertinent to the case which has not previously been provided to collateral counsel by (*calculate and enter date = mandate + 105 days*).
- make a good faith effort to assist in the timely production of public records and written notices of compliance by the law enforcement agencies by (*calculate and enter date = mandate + 120 days*).

Trial counsel will

- provide a copy of the original file including all work product not otherwise subject to a protective order to collateral counsel and file a notice of compliance by (*calculate and enter date = mandate + 45 days*).

- notify the attorney general of additional persons or agencies with information pertinent to the case which has not previously been provided to collateral counsel by (*calculate and enter date = mandate + 105 days*).

Collateral counsel will

- enter a notice of appearance or a motion to withdraw by (*calculate and enter date = mandate + 30 days*).
- notify the court and the parties within 20 days of the date and disposition of the USSC petition for writ of certiorari, or the decision not to file a petition.
- file a motion to compel production of public records within 20 days of any missed agency deadline and notice the agency to comply or appear at the next regularly scheduled status conference.
- file a motion for in camera inspection within 30 days of receipt of a notice from the central records repository of the delivery of sealed records to the clerk, or the in camera inspection will be deemed waived.
- file additional demands for public records by (*calculate and enter date = mandate + 240 days*).
- file postproduction demands for public records as soon as practical.

A second case management order will be entered after disposition of the USSC petition for writ of certiorari, or 90 days after issuance of the mandate if no petition is filed.

Appointment of Court Reporter

It is ORDERED THAT (*enter name of court reporting agency, assign trial court reporter if possible*), a court reporter from the list maintained by the Trial Court Administrator, is hereby appointed to take all proceedings in this postconviction matter.

Notice of First Status Conference

The first status conference is set on (*enter date and time*), in (*enter courtroom number and address*). [(*enter amount of time set aside for hearing*) has been reserved for the hearing.] Parties may appear in person or by telephone. If appearing by telephone, (*enter telephone conferencing arrangements.*)

DONE AND ORDERED in chambers in (*enter chambers city*), Florida, on (*enter date and year*).

(**enter judge's name**)
CIRCUIT JUDGE

NOTICE

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 (*enter contact information*) 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.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above order, including any attachments, have been sent to the following addressees by U.S. Mail, postage prepaid or by courthouse box delivery where indicated, to the following persons, on *(enter date and year)*.

Copies to: *(enter names and addresses for the following)*

(enter name and title of person serving copies)

Trial Counsel

Collateral Counsel

Attorney General

By: _____

State Attorney

Central Records Repository

Court Reporter

Clerk of the Court

Court Security

Chief Judge

Staff Attorney