

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.

_____ /

SECOND CASE MANAGEMENT ORDER
FOLLOWING DISPOSITION OF PETITION FOR WRIT OF
CERTIORARI BY UNITED STATES SUPREME COURT
[OR EXPIRATION OF TIME FOR FILING PETITION]

This capital postconviction case comes before this Court for case management following the United States Supreme Court's disposition of the Defendant's Petition for Writ of Certiorari [or expiration of time for filing petition]. [The petition was disposed of on *(enter date cert. disposed)*.] [or The time for filing a petition expired on *(calculate mandate + 90 days)*.] Various timeframes contained in Florida Rule of Criminal Procedure 3.851 are triggered from the date of the disposition of the petition for writ of certiorari [or expiration of the time for filing petition].

It is this Court's intention to establish a schedule of conferences and hearings in conformity with the timeframes contained in rule 3.851, so that a final order on defendant's capital postconviction motion can be rendered no later than *(date = three years from date certiorari was disposed of or expiration date for filing petition)*, which is within two years after the initial capital postconviction motion is filed. To accomplish this, it is hereby **ORDERED**:

Defendant's capital collateral counsel shall:

- File the initial rule 3.851 motion by *(date = one year from date USSC certiorari disposition or expiration date for filing petition)*.

The Office of State Attorney shall:

- File its answer to the initial rule 3.851 motion by *(date = initial motion filing date above + 60 days)*.

The Court will:

- Schedule hearings, conferences and other proceedings within the following **tentative timeframes** absent the filing of an amended initial motion:
 - Conduct the case management conference no later than *(date = answer filing date above + 90 days)*.
 - Order capital collateral counsel to produce, at the case management conference, all documentary exhibits, and to file at the conference an exhibit list and a witness list. All expert witnesses shall be specifically designated on the witness list, and all expert reports shall be attached to the witness list. All expert witnesses who will testify at the evidentiary hearing must submit written reports.

- Order the State to produce no later than (*date = case management conference date above + 60 days*) all documentary exhibits, and to file an exhibit list and a witness list. All expert witnesses shall be specifically designated on the witness list, and all expert reports shall be attached to the witness list. All expert witnesses who will testify at the evidentiary hearing must submit written reports.
- Conduct the evidentiary hearing no later than (*date = case management conference date above + 150 days*).
- Order the court reporter to produce the evidentiary hearing transcript no later than (*date = evidentiary hearing date above + 10 days if real-time transcription or + 45 days for other transcription*).
- Order capital collateral counsel to file a simultaneous written closing arguments no later than (*date = transcript production date above + 30 days*).
- Order the state to file a simultaneous written closing argument no later than (*date = transcript production date above + 30 days*).
- Enter the final order by (*date = transcript production date above + 60 days*).
- Commence quarterly chief judge reporting to the chief justice pursuant to AOSC11-32 after (*date = initial motion filing date + 18 months*), when the initial motion has been pending for 18 months.
- Note that, pursuant to Florida Statutes, section the clerk of the supreme court will report, to the legislature, the status of this case and the name of the assigned judge to the legislature after (*date = initial motion + 3 years*), when the initial motion has been pending for more than 3 years.

A third case management order will be entered after the initial capital postconviction motion is filed.

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)

Capital Collateral Counsel

Attorney General

State Attorney

Court Reporter

Clerk of the Court

Court Security

Chief Judge

Staff Attorney

By: _____