

JUDGE PHOEBEE R. FRANCOIS

DIVISION MD
(EXTRADITION & TRUANCY)

COURT HEARINGS ARE BEING HELD IN PERSON UNLESS SPECIFICALLY ADVISED BY COURT NOTICE OR THE JUDGE STATES THAT YOU MAY/SHALL APPEAR VIA ZOOM.

WHEN REQUESTING A HEARING OR TRIAL. The court will not entertain motion(s) that have not been properly *e-filed* and *validated* by the Clerk of Courts and all copies have been distributed to all pertaining parties. When a motion is *e-filed* the Judge does not always receive a copy. Therefore, if you file a motion that the Judge needs to act upon --the moving party should always send a copy to the *division e-mail* with a proposed order for the Judge's consideration. All Agreed and Unopposed Orders shall be titled as such.

In order to obtain a hearing date, an *e-mail* shall be sent to the division with a courtesy copy of the motion and to opposing party. Once a date is confirmed the moving party shall complete a notice of hearing and submit a copy to the Judicial Assistant within **48 hours**. If the defendant is "in custody", please share that information on your Notice of Hearing.

In order to cancel a hearing date, a Notice of Cancellation must be e-filed with the Clerk of Courts, as well as, shared with all pertaining parties no less than **24 hours** prior to the hearing.

If an evidentiary hearing has been set, a hard copy of the motion, including memorandums, case law and/or other supporting documents must be provided to the Judge by mail or hand delivery at least two (2) business days prior to the scheduled hearing.

If your Defendant is on Probations, the moving party shall *e-file* the Notice of Hearing, share a copy to all parties including the Probation Office Court Liaisons: Traveese_HarbinSilvera@sheriff.org, Parker_Corey@sheriff.org and Garcia_Debra@sheriff.org.

PRETRIAL MOTIONS

All Pretrial motion(s) ***must be heard*** no less than seven (7) business days prior to Trial or such may be deemed waived. It shall be the responsibility of the moving party to ***timely*** file and serve such motion(s) to all parties. Requesting a hearing less than fourteen (14) business days prior to the Trial date may be deemed as a waiver. Consideration shall be afforded to the State when requesting a hearing in a timely manner.

CALENDAR CALL

Calendar Calls are held each Wednesday “via Zoom” and Thursday “in person”. It shall be each party’s responsibility to comply with the Pretrial Motion(s) section above. Change of pleas will be accepted at Calendar Call, unless indicated otherwise by the Court. It shall be responsibility of each party to discuss any credit for time served before a plea is taken, if jail time is involved.

MOTION TO CONTINUE

Motions for Continuance must be *e-filed* with the Clerk of Courts and received within the Judge’s Office no less than three (3) business days prior to the Trial date. A motions for continuance must be *e-mailed* to the division and accompanied by a proposed order for the Judge’s consideration.

STATE ATTORNEY OBLIGATIONS

The assigned Assistant State Attorney must have a plea offer available prior to / or at arraignment. If the State is unable to make a plea offer at the arraignment, the Court will look for a good faith basis for the inability to make an offer.

MOTION TO WITHDRAW

All motions to withdraw and Notice of hearing must include proper manner in which the Defendant(s) was served (i.e. via mail, Fed Ex, UPS, Hand Delivery, etc.). Without proper notice the Court will not hear the above motion.

TERMINATION OR MODIFICATION OF PROBATION

All Motions for Termination or Modification of Probation, (*unless previously negotiated*), shall be sent to our *Division e-mail* with a copy to the State. A date shall be obtained from the Judicial Assistant and a Notice of Hearing shall be prepared, *e-filed* and shared with all parties including the Probation Office Court Liaisons: Traveese_HarbinSilvera@sheriff.org , Parker_Corey@sheriff.org and Garcia_Debra@sheriff.org.

PRO-SE LITIGANTS

All Request from Pro-Se Litigants shall be presented to the Judge for review once filed with the Clerk of Courts. You may contact the Judicial Assistant to follow up with your pleading upon filing. You may not ask the Court personnel to communicate any message to the Judge.

ZOOM HEARING INFORMATION

Join Zoom Meeting: <https://17thflcourts.zoom.us/j/735441388>

DIVISION E-MAIL

divmd@17th.flcourts.org

TOLL FREE NUMBERS

(888) 475-4499

(833) 548-0276

(833) 853-5257