

12-18

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

CASE NO: 2022-CF-000688-A-O
DIV: Div 12
COURTROOM: 6-A

STATE OF FLORIDA,
Plaintiff,

vs.

KELLI RENEE LYNCH,
Defendant.

**UNIFORM ORDER SETTING FELONY CASE MANAGEMENT CONFERENCE, PRE-
TRIAL CONFERENCE AND TRIAL**

The above matter came for arraignment/status hearing and the defendant entered a plea of not guilty. Accordingly,

1. TRIAL DATE. This case is set for a Jury Trial for the three-week trial docket beginning **Monday, February 12, 2024**, in Courtroom **Room 6-A On the 6th Floor** at **9:00 AM** in the Orange County Courthouse, 425 N. Orange Avenue, Orlando, Florida.

2. PRETRIAL/SCHEDULING CONFERENCE. Counsel and parties, unless their presence is waived in writing prior thereto, shall attend a pretrial conference on **Thursday, February 1, 2024** at **9:00 AM**, in Courtroom **Room 6-A On the 6th Floor**.

3. Counsel and the parties shall abide by the following Uniform Pre-trial Order: This order applies to all criminal cases prosecuted in the Circuit Court of the Ninth Judicial Circuit, State of Florida.

I. Trial:

A. State Attorneys, defendants and their attorneys and witnesses are expected to be ready for trial and be available during the entire trial period.

B. State Attorneys, defendants and their attorneys must be on time for trial and not leave the Judge's courtroom until released by the Presiding Judge.

C. Scheduling a case for trial, during pretrial or other court appearance is a representation that the party is ready for trial and that the trial period/trial date is satisfactory to the party.

D. Criminal cases set for jury trial take precedence over motions, hearings, and civil trials, regardless of whether the motions, hearings or civil trials are in county or circuit court. (Rule 2.550 of the Florida Rules of Judicial Administration).

E. All attorneys must bring updated calendars to all court appearances. Once a case is scheduled for trial, any continuance due to a scheduling conflict will not be granted absent extraordinary circumstances.

II. Motions to Transfer:

All Motions to Transfer must be filed ten (10) days prior to pre-trial conference and contain a waiver of speedy trial if filed by the defendant and if the result of granting the motion would delay the trial. The motion must be in the approved form.

III. Discovery:

All parties shall commence and complete discovery prior to the pre-trial conference. Any motions shall be filed immediately upon discovery of the grounds for the motion and shall be set and heard prior to the pre-trial conference. The only motions allowed after pre-trial conference will be those addressing matters discovered after pre-trial conference and those directed to the conduct of the trial (including motions in limine and motions addressing trial restraints), which shall be set and heard before the trial period begins.

IV. Pre-Trial Motions:

A. Motions for Continuance: (1) Absent extraordinary circumstances, a motion to continue shall be filed before or at the time of pretrial conference. (2) Any such motion must be in writing on the approved form, setting forth good cause and must be accompanied by the approved form order. (3) If, after the case is scheduled for trial, a continuance is requested due to witness unavailability, then it must be filed prior to the trial date. (4) A request for continuance due to scheduling conflict will not be granted absent extraordinary circumstances. (5) A request for continuance based upon the scheduling of a non-criminal jury trial case and/or bench trial or hearings shall be denied absent extraordinary circumstances.

B. All other pre-trial motions: (1) Shall be filed at least ten (10) days prior to the pre-trial conference and scheduled for hearing prior to the pre-trial conference, unless good cause is shown for the delay, (2) Hearings shall not be continued due to the attorney's unavailability unless extraordinary circumstances exist. A conflicting trial or hearing date does not constitute an extraordinary circumstance. Attorneys are expected to have back up counsel ready to handle said motions. (3) Late filings of motions to suppress may result in denial without hearing. See State v. Powell, 717 So. 2d 1050 (Fla. 5th DCA 1998).

C. Before the filing of ANY motion, the moving party shall confer with counsel for the opposing party in a good faith effort to resolve the issues raised by the motion and shall file with the motion a statement (1) certifying that the moving counsel has conferred with opposing counsel and (2) stating whether counsel agree on the resolution of the motion. "Conferred" means an in person or telephonic conversation between or among counsel. A certification to the effect that opposing counsel was unavailable for a conference before filing a motion is insufficient to satisfy the parties' obligation to confer. The moving party retains the duty to contact opposing counsel expeditiously after filing and to supplement the motion promptly with a statement certifying whether or to what extent the parties have resolved the issue(s) presented in the motion. If the interested parties agree to all or part of the relief sought in any motion, the caption of the motion shall include the word "unopposed", "agreed" or "stipulated" or otherwise succinctly inform the reader that, as to all or part of the requested relief, no opposition exists.

V: Case/Trial Management Conference and Pre-trial Conference:

A. The prosecuting authority shall communicate a plea offer no less than five (5) days prior to the Felony Case Management Conference and the Pre-Trial Conference.

B. Criminal Punishment Code scoresheets shall be delivered to defense counsel prior to the Felony Case Management Conference and the Pre-trial Conference.

C. The defendant and counsel of record shall (mandatory) be present at Felony Case Management Conferences and Trial Management Conferences. The presence of the defendant and counsel of record cannot be waived without written order of the court and only upon a showing of good cause. See Cruz v. State, 822 So. 2d 595 (Fla. 3rd DCA 2002).

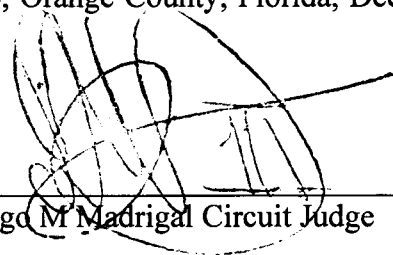
VI: Miscellaneous:

A. Interpreters: State Attorney and/or defendant's attorney shall notify the Court at the pre-trial conference if a language interpreter is required for the defendant or any witness together with notice of the relevant language.

B. Trial Division: If the trial is moved to the trial division, counsel may not reargue motions already ruled upon.

C. Clients must stay in contact with their attorney and must notify the Clerk of Court of any change of address within 24 hours of moving.

DONE AND ORDERED in open court, in Orlando, Orange County, Florida, December 18, 2023.



Diego M. Madrigal Circuit Judge

KELLI RENEE LYNCH 10450 TURKEY LAKE RD 691471
ORLANDO, FL, 32819

Deputy Clerk in Attendance: Rochelle K., Mieshia L
Office of Tiffany M. Russell, Orange County Clerk of the Circuit and County Courts

Copies to: _____ IMR _____ DEFT _____ PROB
_____ STATE _____ PD _____ CT DEPUTY _____ OTHER
_____ A1 STOP BAIL BONDS, A1 STOP BAIL BONDS, A1 STOP BAIL BONDS, A1 STOP BAIL
BONDS _____ Attorney GARY SCHWARTZ 101 Sunnyside Rd Ste 310
Casselberry, FL, 32707

Revised 12/17

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, Human Resources, Orange County Courthouse, 425 N. Orange Avenue, Suite 510, Orlando, Florida, (407) 836-2303, 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.