

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.

_____ /

FOURTH CASE MANAGEMENT ORDER
FOLLOWING CASE MANAGEMENT CONFERENCE
AND
NOTICE OF EVIDENTIARY HEARING

This capital postconviction case came before this Court at the case management conference conducted on *(enter date of case management conference)*. Various timeframes contained in Florida Rule of Criminal Procedure 3.851 are triggered from the date of the filing of the initial motion for postconviction relief.

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 cert denied by USSC), which is within two years after the initial capital postconviction motion is filed. To accomplish this, it is hereby **ORDERED**:

At the case management conference, the court heard argument on whether claims raised in the motion/amended motion require a factual determination at an evidentiary hearing. The court granted an evidentiary hearing on the following claims:

(enter claim numbers and/or description of claims requiring a factual determination).

The court denied an evidentiary hearing on the following claims:

(enter claim numbers and/or description of claims not requiring a factual determination).

The parties estimated that *(enter total estimate of hearing days)* days will be required for those claims for which evidentiary hearing was granted; [defense *(enter estimate of days for defense case)* days and state *(enter estimate of day for state case)* days].

Notice of Evidentiary Hearing

An evidentiary hearing is set from *(enter evidentiary hearing start date and time, which should be a date within 150 days of case management conference*

date above) through (*enter evidentiary hearing end date*), in (*enter courtroom number and address*). The Defendant shall be present for the evidentiary hearing.

The following shall be done prior to the evidentiary hearing:

Defendant's capital collateral counsel shall:

- No later than (*enter date negotiated with the court*) submit transport orders to chambers for the Defendant and any Florida inmate witnesses.
- No later than (*enter date negotiated with the court*) submit a writ of habeas corpus ad testificandum to compel the appearance of any federal or out-of-state inmate witness.
- No later than (*enter date negotiated with the court*) submit certificates of materiality and other documentation necessary to secure attendance of out-of-state witnesses to chambers or to compel the appearance of any out-of-state witness.

The parties shall:

- No later than (*enter date negotiated with court*), make arrangements with Court Technology for the appearance of any witnesses appearing by video conference.

During the evidentiary hearing:

The Court will:

- Set the daily hearing schedule from (*enter start time*) a.m. to (*enter stop time*) p.m. with lunch from (*enter start lunch time*) to (*enter stop lunch time, 90 minutes enables parties to handle issues that arise during the hearing*).

Following the evidentiary hearing:

The court reporter shall:

- Produce the evidentiary hearing transcript by (*date = evidentiary hearing date above + 10 days if real-time transcription or + 45 days for other transcription*).

Defendant's capital collateral counsel shall:

- Submit and serve a simultaneous written closing argument no later than (*date = transcript production date above + 30 days*).

The State shall:

- Submit and serve a simultaneous written closing argument no later than (*date = transcript production date above + 30 days*).

The Court will:

- Enter the final order no later than (*date = transcription production date above + 60 days*).

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*)

Collateral Counsel

Attorney General

State Attorney

Court Reporter

Clerk of the Court

Court Security

Chief Judge

Staff Attorney

By: _____