



CIRCUIT COURT
FOURTH JUDICIAL CIRCUIT OF FLORIDA

HONORABLE JAMES H. DANIEL
Circuit Judge

NASSAU COUNTY COURTHOUSE
Robert M. Foster Justice Center

June 17, 2021

TO: The Honorable John A. Crawford, Clerk of Court
Capt. Kay Lynn Crews, Nassau County Jail
Sgt. Ken Davis, Nassau County Courthouse Bailiff
Donna Thurson, Assistant State Attorney
Thomas Townsend, Assistant Public Defender
Phyllis M. Wiley, Assistant Regional Counsel
Nassau County Bar Association
Jacksonville Bar Association

FROM: The Honorable James H. Daniel, Administrative Judge

RE: Felony Court Procedures starting July 6, 2021

With the Florida Supreme Court's direction in AOSC21-17 that Florida's circuit courts can remove or scale back their COVID-19 emergency procedures, I have taken steps to vacate Nassau County's Phase II restrictions effective June 21, 2021. After that date, masks will be optional in the courthouse and social distancing will not be required.

Once the Phase II restrictions are lifted, there will be a change in the procedures for handling felony criminal cases and the overall docket. I want to take a moment to highlight them for the benefit of the Clerk's office, NCSO Deputies, and the attorneys that practice in this court. **Starting Tuesday, July 6, 2021, the following procedures will be in place:**

1. First Appearances: First Appearances will continue to be handled remotely by Zoom application during the week and on weekends. There will be no in-person first appearance hearings.
2. Tuesday & Thursday Felony Docket: We will continue to have a Tuesday felony docket, in addition to the traditional Thursday felony docket. **Both** will start at 8:30 a.m. Tuesday and Thursday afternoons will be available for special set hearings, pleas, and sentencings. Tuesday morning will be set aside for out-of-custody defendants. Thursday morning will be reserved for in-custody defendants. However, the Thursday morning docket will be handled remotely by Zoom application so it will consist **solely** of pretrial status hearings, court-approved

(relatively short) bond hearings, and motions to release (40 day motions). There will be no plea or sentencing hearings during the Thursday morning docket.

3. Arraignments: All arraignments/service of the rule hearings will be scheduled for 11:00 a.m. each Thursday. Arraignments/service of the rule hearings for **both in-custody and out-of-custody will be in person.**

4. In-person Hearings: Except for first appearances each day and the 8:30 a.m. Thursday docket, **all proceedings** will be in-person at the courthouse annex in Yulee. First appearances and the 8:30 a.m. Thursday docket will continue to be handled by Zoom application using the same identification number. The Tuesday docket, all arraignments/service of the rule hearings, afternoon hearings, plea hearings, and sentencing hearings will be handled in person and in open court.

5. Plea Hearings: Pleas will be handled in person whether the defendant is in custody or out-of-custody. The only exceptions to this are misdemeanor pleas at first appearance which can still be handled remotely. The court **will** accept pleas from out-of-custody defendants during Tuesday morning docket. However, attorneys **must** schedule a special set hearing for in-custody clients who will enter a plea. In-custody defendants must be transported to the courthouse in order to enter their plea and we require notice, **at minimum**, the day before the scheduled plea hearing so we can coordinate transportation with the jail. A request to transport a defendant for a plea that same day will not be honored unless there are extenuating circumstances. Additionally, **no defendant will be transported from the jail to court for entry of a plea without a signed plea form.**

6. Attendance for Out-Of-Custody Defendants: Waivers of appearance and pleas of not guilty will not be accepted unless there are extenuating circumstances. Out-of-custody defendants must attend their court hearings unless expressly excused by the court.

7. Remote Witnesses: The court can accommodate remote witnesses by Zoom application. However, we require advance notice so that we can set up the cameras, make sure the audio settings are correct, and host the session.

8. Remote Access to Court Proceedings: The court can also accommodate remote attendance by families of victims or defendants, but again, we require advance notice so that we can set up the system and host the session. Note, no individual can remotely observe court proceedings without prior authorization from the court. This procedure is not intended to alter the Fourth Circuit's policies and procedures regarding media coverage which is controlled by separate administrative order.

9. Scheduling Hearings: Evidentiary hearings, plea hearings, sentencing hearings, and any other type of in-court proceeding may be scheduled

on Tuesday afternoon or Thursday afternoon regardless of whether the defendant is in-custody or out-of-custody. Attorneys are not limited to scheduling in-custody hearings on Thursday and out-of-custody hearings on Tuesday.

Hopefully, this memo answers most of your questions concerning post-COVID felony court procedures. I am sure that as we go along there will be unanticipated issues and we will have to address those. Your patience on that will be most appreciated. Also, please feel free to contact my office by phone or e-mail if you have any specific procedural-related questions.

One last note, to all of the attorneys, the Clerk's office personnel, the court personnel, and the NCSO deputies who worked in the Nassau County felony court over the past year since the pandemic emergency procedures were implemented in March of 2020, I do not have words to adequately express my gratitude for all you did to keep the court system functioning. Everyone involved simply adapted to the requirements of the pandemic and, as a result, Nassau County Circuit and County Courts were able to provide Due Process to those with pending criminal charges. I hope we never have to repeat what we have all experienced in the past 15 months, but I know the exceptional people working in the Nassau County court system will be able to handle it. Thank you for your sacrifices and hard work.

Copies to:

The Honorable Steven M. Fahlgren, Circuit Court Judge
The Honorable Lester L. Bass, Circuit Court Judge
The Honorable Jenny Higginbotham Barrett, County Court Judge