



*Circuit Court*  
*Eighteenth Judicial Circuit of Florida*  
COUNTIES OF BREVARD AND SEMINOLE

O.H. EATON, JR.  
CIRCUIT JUDGE

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**MEMORANDUM**

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**TO:** Defense Counsel

**FROM:** O. H. Eaton, Jr., Criminal Division Administrative Judge

**DATE:** January 10, 2007

**RE:** Procedure to Waive Docket Sounding

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**WAIVER OF APPEARANCE AT DOCKET SOUNDING**

This memorandum sets forth the procedure for private counsel to waive their appearance and the appearance of their clients at the first docket sounding.

**GENERAL**

Persons arrested for felony offenses are scheduled for arraignment on the fourth Tuesday after the date of arrest. Docket sounding is scheduled between eight and eleven weeks after arraignment. Twelve to fifteen weeks is generally enough time to prepare routine felony cases for trial. However, scheduling discovery sometimes causes delay and additional time is needed. Accordingly, the judges of the criminal division have agreed to allow private counsel to obtain a four week continuance without appearing at the first docket sounding date following arraignment.

**APPLICABILITY**

Waiver of appearance of private counsel and the defendant at docket sounding is limited to cases that can be ready for trial four weeks after the first docket sounding date following

arraignment. Counsel must appear for the first docket sounding in cases that involve issues or discovery that cannot be resolved within four weeks after the first docket sounding date. In those cases, Counsel should be prepared to estimate a trial date so a realistic new docket sounding date can be set.

### **SPECIAL PUBLIC DEFENDERS**

This waiver procedure does not apply to Special Public Defender cases.

### **PROCEDURE TO WAIVE APPEARANCE OF COUNSEL AND THE DEFENDANT AT DOCKET SOUNDING; CONTINUANCE POLICY**

In order for defense counsel to waive appearance at docket sounding, an original waiver form must be signed by defense counsel and the defendant and filed with the Clerk. The defendant must waive speedy trial. A copy of the waiver must be received by the State Attorney and the Court's Criminal Division Coordinator not later than the day before docket sounding. The Criminal Division Coordinator's address is: Court Administration, 101 Bush Blvd., Sanford, Fl 32773. The copy furnished to the Criminal Division Coordinator may be sent by fax to 407-665-4932. The copy furnished to the State Attorney may be sent by fax to 407-665-6004.

By filing the waiver, defense counsel certifies that discovery will be completed and pretrial motions heard by the next docket sounding date. Further continuances will be granted only for emergencies and for the unavailability of witnesses who have been served with a subpoena.

A copy of the waiver form is attached to this memorandum along with a schedule of the docket soundings for each of the four criminal divisions for the year 2007. The waiver form and the schedule of docket soundings for the year 2007 may be found at <http://www.flcourts18.org> under the heading Local Practice Manuals/Docket Sounding Forms.