



DEBORAH J. CUNNINGHAM
COUNTY COURT JUDGE

COLLIER COUNTY COURTHOUSE
3315 TAMIAMI TRAIL EAST, SUITE 403
NAPLES, FL 34112

JUDICIAL ASSISTANT (JA): Loree Heasley
EMAIL: lheasley@ca.cjis20.org
PHONE: (239) 252-8110

OFFICE AND COURTROOM PROCEDURES

PREFERRED METHOD OF CONTACT: EMAIL TO Loree Heasley, ABOVE

Other Contacts:

Court Administration - (239) 252-8800
Clerk of the Court - (239) 252-2646
Court Mediation - (239) 252-8704
Bailiff's Bureau - (239) 252-8129

Websites:

20th Judicial Circuit: www.ca.cjis20.org
Collier County Clerk of Courts: www.collierclerk.com

COUNTY COURT JUDGE DEBORAH CUNNINGHAM

OFFICE AND COURTROOM PROCEDURES

CRIMINAL DIVISION

Judge Cunningham's office is paperless and prefers email communications. Please try to reduce the amount of paper you are producing from your office by emailing your electronic documents and/or submitting proposed court orders via the e-portal to this office instead of sending hard copies. Judge Cunningham's office will NOT accept any motions or proposed orders via mail or hardcopy.

REQUESTING ACTION OR RELIEF FROM THE COURT (MOTIONS):

WARNING: It is improper to attempt to communicate with the Court (or the JA) without the other party(ies) being copied/included on the communication. The proper term for such improper private communication is *ex parte* communication. For these reasons, the below rules are very important, and must be followed strictly.

CORRESPONDENCE TO THE COURT: Unless otherwise authorized by law, any correspondence received by the Court shall be placed in the Court file and subject to public record. Pursuant to Canon 3.B(7), Code of Judicial Conduct, the Court cannot consider any *ex parte* communication made to the Court outside the presence of counsel or the parties concerning a pending or impending matter.

MOTIONS:

ALL MOTIONS MUST:

- (1) be in writing; AND**
- (2) filed with the Clerk; AND**
- (3) sent to the other party(ies), or their attorney(s) if they have one.**

After completing all 3 steps above, THEN you should email the JA with a courtesy copy of your motion attached to your email make sure the other party(ies) are cc'd on your email, and request hearing time for your motion.

Motion hearings shall be coordinated with opposing counsel and set with the Judicial Assistant **via email**. Please include the case number(s), case name, motion(s) to be heard, and the total amount of time required for each side (time requested should be sufficient for **ALL** parties to be heard on the motion).

You will be provided with several date and time options to be coordinated with opposing counsel. Once you have an agreed upon date and time, please email the

Judicial Assistant to verify that it is still available and it will be added to the docket. Once a date/time has been confirmed by all, then the party who requested the hearing is responsible for filing a Notice of Hearing and sending same to all parties. The Notice should include a clear description of the motion(s) which is scheduled, and should include the Docket Number(s) of same.

Motions in County Court are NOT scheduled on JACS, so you must contact the JA for hearing time.

PROPOSED ORDERS

This office only receives proposed Orders via email or through the e-portal at <https://www.myflcourtaccess.com>

This office prefers to receive Proposed Orders via the e-portal. Please include a cover letter which confirms (1) that the motion or stipulation to which the order pertains has been e-filed already and (2) whether the order is agreed to or contested by the other party(ies). If the Proposed Order is contested, the party(ies) contesting the Proposed Order will have 48 hours to submit their competing version or request extension. Otherwise the court will rule.

Alternatively, you may email the order in Word Format to the JA. The subject line of the email must include "PROPOSED ORDER" and the case number. A submission of the corresponding motion is only necessary if it was recently emergency e-Filed. In the email, please confirm whether the Proposed Order is agreed to or contested by the other party(ies). If the Proposed Order is contested, the party(ies) contesting the Proposed Order will have 48 hours to submit their competing version or request extension. Otherwise the court will rule.

All Proposed Orders **MUST BE IN WORD FORMAT** – preferably Times New Roman, 12-point font

PLEASE DO NOT SEND PROPOSED ORDERS PRIOR TO A HEARING BEING HELD

PLEA HEARINGS: Change of pleas may be entered at pretrial conferences, motion hearing dockets, and calendar call/status dockets. Attorneys representing a defendant are REQUIRED to appear for all in-person change of pleas and may NOT appear remotely. The Court will allow defense attorneys to appear remotely for a plea in absentia provided the documents and fingerprints, if required, have been previously e-filed and the State Attorney's Office has no objection to the remote appearance. Change of pleas may also be scheduled for in-custody defendants on a 2:15 p.m. docket (following First Appearance Court) provided approval has been obtained by both the assigned

judge and the presiding judge. Submit requests to add a plea to a 2:15 p.m. docket via e-mail to the Court's judicial assistant, and please include the following information: case number(s), defendant name and date of birth, jail center location, confirmation that the plea is fully negotiated, and 4 confirmation that the assigned judge's office agrees to it being heard. Additionally, please note that a case cannot be added to the same day's docket if requested after 10:00 a.m.

APPEARANCE VIA ELECTRONIC COMMUNICATIONS:

All Criminal Proceedings with Judge Cunningham are held in person. If you wish to appear via Zoom, a written motion shall be filed pursuant to Florida Rule of Criminal Procedure 3.116.

Important Zoom tips:

- ZOOM COURT IS REAL COURT. YOU SHOULD BE DRESSED RESPECTFULLY, AND YOU SHOULD SPEAK RESPECTFULLY.

- **PLEASE APPEAR BY VIDEO**, AND NOT MERELY AUDIO. IF YOU APPEAR MERELY BY PHONE, YOU MAY NOT BE ABLE TO TESTIFY, BECAUSE YOU MUST BE SEEN IN ORDER TO BE SWORN IN

- **PLEASE ENSURE THAT YOUR SCREEN NAME, USER NAME, OR PROFILE NAME, IS YOUR LEGAL NAME IN ORDER TO EXPEDITE THE PROCEEDINGS.**

- Place your microphone on MUTE while you are waiting for your turn to speak.

- If you have never used Zoom, please make a test call using this link: <https://zoom.us/test> o This test should be done long before you hearing day arrives, and will help you learn whether your computer/device has a working camera, microphone and speakers

- o It may be beneficial to use headphones to ensure that you can hear and be heard clearly

- o It is possible to use one device for video, and use another for audio connection

- For example, your computer may have a camera, but no microphone or speakers. If so, you may connect and be seen via your computer, and then call in by phone for audio connection

- You should ensure that you are in an area with either good cell reception, or strong wi-fi

- You should be in a quiet place, where you can hear what is being said to you