

Judge Sjostrom's Preferences for Felony Court

No Ex Parte Communication

Communications about pending matters must include counsel for all parties and pro se litigants. Written communication must be copied to all parties. No meetings with counsel or litigants without all parties present unless based on a motion and order as permitted by applicable law.

Discussions after a trial or hearing as a matter of professional development must include all counsel.

No Legal Argument Directed to the Judicial Assistant

Ms. Gauss is not responsible for substantive or procedural legal decisions. Do not direct substantive or procedural legal argument to Ms. Gauss. Do not include Ms. Gauss in negotiations regarding substantive or procedural disputes. Nobody is likely to read a long series of wrangling emails.

Urgent/Expedited/Emergency Issues

If seeking expedited attention, please send an email to Ms. Gauss copied to all parties/counsel with URGENT in the subject line. State the reason for urgency and the judge will determine if an expedited hearing or other expedited relief is appropriate.

Agreed Motions

Before submitting motions, Counsel must confer to determine whether there is a genuine dispute and to narrow issues. Submit agreed motions to Ms. Gauss by email with a proposed, stipulated order in Microsoft Word.

Disputed Motions

Unless made in open court, motions must be submitted in writing and filed in the court file. Disputed motions should state the basis for the motion and dispute with enough particularity for the court to determine whether a hearing is required. Disputed motions must certify that counsel conferred and determined that the matter is disputed. Please state whether the movant anticipates testimony or other evidence and the time estimated to be necessary.

Obnoxious language in motions and memoranda mostly annoys the judge.

Specially Set Hearings (Pretrial Release, Suppression, Self-Defense, Contested Sentencings, for example)

Email Ms. Gauss at gaussl@leoncountyfl.gov to schedule specially set hearings. Ms. Gauss will not provide hearing dates until the written motion is filed. The parties must agree on a hearing date from among those provided by Ms. Gauss and as to the total time necessary for the hearing assuming each party will have equal time.

Notice of Specially Set Hearing and Order to Transport

If the accused is out of custody, the movant is responsible for serving a notice of hearing. If the defendant is in custody, Ms. Gauss will prepare an order setting hearing and to transport the defendant.

Avoid Lengthy Hearings that Inconvenience Jurors

Lengthy hearings after jury selection should be avoided. Matters such as suppression of evidence, self-defense (“stand your ground”), child victim hearsay, Williams Rule and similar issues must be raised well in advance of trial and scheduled for hearing before jury selection.

Materials Provided to Court for Contested Hearings

Judge Sjostrom reviews all filed motions and memoranda in the court file to prepare for hearings, so courtesy copies of filed documents need not be provided. Unfiled deposition transcripts, videos and documents should be provided in advance with enough time to allow for review. Judge Sjostrom often pulls opinions, statutes and rules referenced in the filed motions and requests that submitted copies of authorities be limited to those contended to be controlling or most closely related to disputed issues.