

1 IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
2 IN AND FOR CHARLOTTE COUNTY, FLORIDA

3 CASE NO.: 97-000351-F

4 STATE OF FLORIDA,

5 Plaintiff,

6 vs.

7 JAMES DENNIS FORD,

8 Defendant.

9
10 TELEPHONIC PROCEEDINGS BEFORE
11 THE HONORABLE LISA S. PORTER
12 **Case Management Conference**

13 DATE: Monday, January 13, 2025

14 TIME: 3:31 p.m. - 3:55 p.m.

15 LOCATION: All Parties via Telephone

16 REPORTER: Jennifer Little
17 Court Reporter
18 Reported by Stenographic Means
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1 APPEARANCES:

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On behalf of the Defendant, James Dennis Ford

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P R O C E E D I N G S

1
2 THE COURT: We are here in Case Number
3 97-351-F, State of Florida versus James Dennis
4 Ford.

5 Is the court reporter on the line?

6 THE COURT REPORTER: Yes, ma'am. Good
7 afternoon.

8 THE COURT: What's your name, please?

9 THE COURT REPORTER: My name is
10 Jennifer Little, and I'm with Naples Court
11 Reporting.

12 THE COURT: Thank you.

13 THE COURT REPORTER: You're welcome.

14 THE COURT: Can I get the appearances on the
15 record for everyone else and what agency you're
16 with.

17 MS. BENTLEY: Bianca Bentley for the State
18 Attorney's office.

19 MS. PACHECO: This is Christina Pacheco with
20 the Attorney General's office.

21 MR. SHAKOOR: Judge, this is Ali Shakoor with
22 CCRC Middle Region. When you joined the call,
23 Ms. Pacheco and I were just discussing some
24 scheduling matters. But I'm with CCRC Middle
25 Region. I'm appearing on behalf of Mr. Ford. My

1 colleague, Adrienne Shepherd, is also on the call
2 today, but I'll be handling the proceedings for
3 Mr. Ford today.

4 THE COURT: Okay. Thank you.

5 Anyone else on the call?

6 MS. PORRELLO: Yes. Good afternoon, Your
7 Honor. My name is Christina Porrello, and I'm with
8 the Florida Department of Corrections.

9 THE COURT: Thank you. And anyone else?

10 Okay. All right. So we are here on our first
11 case management conference pursuant to the death
12 warrant signed by the governor last Friday, January
13 10th, and the Supreme Court's scheduling order also
14 issued on January 10th.

15 Is there any additional discovery the defense
16 intends on seeking?

17 MR. SHAKOOR: Judge, we're going to be filing
18 demands. At this stage of the proceedings, it's
19 customary for us to file all demands for additional
20 records from certain agencies. We have no
21 objection for the State's request for that to be
22 filed by tomorrow. So as far as discovery, we'll
23 just be looking for some additional evidence per
24 our demand. I'll tell you now that will be more
25 than likely FDOC, FDLE, Medical Examiner 8. There

1 might be one more that I'm forgetting, but there
2 may be three or four demands.

3 Also, a motion to exceed page limits. I know
4 that's not a discovery issue, but we are -- we'll
5 be looking to file a motion to exceed our page
6 limits by just ten additional pages, 35 pages
7 instead of 25.

8 THE COURT: Can we deal with that one now?

9 MR. SHAKOOR: Pardon me, Judge?

10 THE COURT: Can we deal with that one now, the
11 extended -- the extended page limit?

12 MR. SHAKOOR: Sure, Judge. Absolutely. Sure.
13 Absolutely, Judge. I can tell you that, at this
14 posture of the case, we're filing a successive
15 pleading. So we have a lot of pleading
16 requirements that was going to give up a lot of our
17 pages at the beginning of the document.

18 Just to give the case history, Mr. Ford does
19 have a complicated case history. We inherited the
20 case from the late Marty McClain, who passed away.
21 So it's going to take us some pages just to lay out
22 the complicated procedural history on this case.
23 So we're only seeking ten additional pages, which I
24 think is customary for this stage of the
25 proceedings.

1 THE COURT: Okay. What's the State's response
2 on that? Or the Attorney General.

3 MS. PACHECO: Your Honor, we don't believe
4 that the additional pages are necessary. However,
5 if Your Honor is inclined to grant them that, then
6 we would just ask that we also be given the
7 extended -- the leeway for our response to address
8 the additional pages to have that same amount to --
9 added to our answer.

10 THE COURT: Okay. All right. I will grant
11 the request for the extension of pages by ten for
12 both sides.

13 MS. PACHECO: Thank you, Your Honor.

14 THE COURT: So I know the first part is the
15 public records deadline; is that right? And I can
16 follow the State's -- or the Attorney General's
17 request on most of these or at least pretty close
18 thereto. And I didn't -- so before we go through
19 that, there is also -- the inmate records need to
20 go postconviction counsel.

21 Is that a date that we need to put in the
22 scheduling order?

23 MS. PORRELLO: Your Honor, Christina Porrello,
24 for the record, on behalf of the Florida Department
25 of Corrections. Yes, I believe in the -- in the

1 order -- the proposed order that the State has or
2 that -- the timeline of Wednesday afternoon for the
3 production of the public records from our agency
4 would be complete. We are already on -- we are
5 already on task with producing the records. I
6 believe that that would be sufficient for -- for
7 us.

8 THE COURT: Okay. Great. All right. So the
9 defendant is going to file for any additional
10 public records requests by January 14th at 12:00.

11 That's acceptable?

12 MR. SHAKOOR: January 14th at 12:00. Yes, we
13 can do that, Judge.

14 THE COURT: Okay. I might have moved up some
15 of this time just because, you know, the time
16 constraints that are upon all of us, and then
17 the -- any objection from agencies involved,
18 Wednesday, January 15th at 12 p.m.?

19 MR. PORRELLO: No objection from the
20 Department of Corrections.

21 THE COURT: How about if I do it this way so
22 we can get everyone's answers down by the court
23 reporter so she doesn't pull out her hair. If you
24 do have an objection, say something. If you don't
25 have an objection, you can stay silent, and I will

1 take that as no objection. Okay? All right. It
2 works.

3 If there's a public records hearing necessary,
4 is January 15th at 4:00 okay? And that would be
5 the same way we're doing it now, a conference call.
6 All right. I'm not hearing any objections. So --

7 MS. PORRELLO: Your Honor, can you repeat the
8 time?

9 THE COURT: At 4 p.m.

10 MS. PORRELLO: 4 p.m. on the 15th?

11 THE COURT: Correct.

12 MS. PORRELLO: That's fine. Thank you.

13 THE COURT: And then the order would be due by
14 me on January 16th at 10 a.m., and then compliance
15 by January 17th at 10 a.m. Not hearing an
16 objection. All right.

17 The successive postconviction motion, that
18 will be filed by the defendant, is Saturday,
19 January 18th at 3 p.m. acceptable?

20 MR. SHAKOOR: Your Honor, we do object to
21 that. That would be our only objection. We have
22 no issue with the public records demands being
23 moved up. You know, we're working ahead on that.
24 But we're hiring experts right now. We're in the
25 process of gathering information and trying to

1 schedule visits with our client and with
2 particularly one of the experts.

3 So our only pushback would be we'd want all of
4 Saturday, please, to complete our 3.851 motion --
5 or complete our initial successor 3.851 motion. So
6 if we could, please, ask that that be due on Sunday
7 at noon, that would be more than enough time.

8 And the State -- I would say the State only
9 needs 24 hours to respond to the 3.851 motion just
10 because of the posture, where we are with this
11 case, I don't think it's going to be too complex
12 for the State to have to come up with very
13 intricate responses to our pleading. You know,
14 we're in a tough position when it comes to
15 procedural bar and precedent. But I don't think
16 the State is going to need 48 hours. I think 24
17 hours will be more than sufficient for the State.

18 So our only challenge -- our only objection to
19 this whole proposed order would be, Judge, we would
20 request an additional 24 hours on that initial
21 3.851 motion.

22 THE COURT: All right. So you're wanting
23 Sunday by what time?

24 MR. SHAKOOR: Yes, ma'am, preferably. By
25 noon, Judge.

1 THE COURT: Okay. Does the State have a
2 burning objection on that?

3 MS. PACHECO: Yes, Your Honor. This is
4 Christina Pacheco from the Attorney General's
5 office. This -- this timeframe is pretty standard.
6 I think the concern is, you know, it's very easy
7 for Mr. Shakoor to say that we need 24 hours or
8 less to respond. But the truth of the matter is he
9 can be working on this, and I'm sure he already is
10 working on his successive motion now. So he has,
11 you know, the entire week to draft it. We can't
12 respond until we see what his claims are. So less
13 than 24 hours to get a motion and respond to it
14 and, you know, have the manpower to do so and our
15 staff on the weekend is a lot.

16 So I would say if the Court is inclined to
17 grant additional time, it should be minimal. I
18 think even noon is later than necessary. Like I
19 said -- and I looked at -- you know, this is a form
20 that we have. I looked at past forms, and I've
21 been involved with them it, and they've always been
22 due on the Saturday even when there's been more,
23 you know, additional time involved.

24 So I realize it's a very tight timeframe, but
25 I would ask if the Court's inclined to grant it,

1 that we be given a little bit more than 24 hours to
2 respond.

3 THE COURT: All right. Let's just do it this
4 way so you can work all night long. Sunday,
5 January 20th at 9 a.m. is when that postconviction
6 motion is done -- due.

7 MR. SHAKOOR: Thank you.

8 THE COURT: Then the State's answer would be
9 due on the 21st by 9 a.m.

10 MR. SHAKOOR: That's fair, Judge.

11 THE COURT: Not the -- I'm sorry. Not the
12 21st, the 20th. Because my intention is to
13 schedule the Huff hearing on Tuesday, January 21st
14 at 10:30.

15 Is there any objection to that? Is that what
16 you have? That is what the Attorney General's
17 office also suggested. So I don't hear any
18 objections to that.

19 And then an order on that hearing will be done
20 by January 21st at 3:00, and then -- I didn't --
21 the evidentiary hearing, if it's needed, would be
22 January 23rd at 10:30. And then, of course, as is
23 required from the Supreme Court, the final written
24 order will be due by 11 a.m. on January 24th.

25 And my only question is, is the clerk of

1 courts on the record on appeal including all lawyer
2 filings and complete transcripts by January 27th at
3 3 p.m.? Is that authorized under the order? I
4 know my order says due by January 24th. But I
5 happened to look at a different case, and it had a
6 clerk's requirement on the same day as mine.

7 Ms. Pacheco, can you speak to that?

8 MS. PACHECO: I'm sorry. I'm just checking
9 now to make sure that wasn't an oversight on my
10 part. I apologize, Your Honor. It will just be a
11 moment here.

12 I have the -- the record on appeal shall be
13 filed by 3 p.m., January 27th.

14 THE COURT: Right. And --

15 MS. BENTLEY: I thought everything on our end
16 was supposed to be done by the 24th.

17 Is that not true?

18 MS. PACHECO: So I -- yes, in terms of Your
19 Honor's order, it's to be entered and filed by
20 January 24th, but then the court reporter and the
21 clerk of the court shall submit the appellate
22 record by Monday.

23 MS. BENTLEY: Okay.

24 MS. PACHECO: So basically the court reporter
25 will have to have everything filed so that way the

1 clerk can transmit the record on Monday, if that
2 makes sense.

3 THE COURT: It does. Like I said, I was
4 looking at another file, and it had those two on
5 the same day. So I just want to make sure that
6 we're not overstepping our bounds.

7 Let me ask the defense, Mr. Shakoor, if you're
8 intending on seeking an evidentiary hearing?

9 MR. SHAKOOR: Yes, Judge, we are intending on
10 seeking an evidentiary hearing.

11 For the Huff hearing, just to double back a
12 little bit, or the eventual case management
13 conference, will be that via Teams? It might be
14 easier if we're going to be having intricate legal
15 arguments if we can see each other a little bit.
16 My office can set up a Microsoft Teams if Zoom is
17 not available at your location. But beyond that,
18 yes, we are seeking an evidentiary hearing, and we
19 can appear in person for that.

20 THE COURT: What does everyone else believe?

21 Did you say the defendant is going to be
22 present? Are we transporting him if it does come
23 to that?

24 MR. SHAKOOR: I want to say yes for now,
25 Judge. He might later waive that, but I don't want

1 to waive that right now. I want to say yes for
2 now.

3 MR. PORRELLO: This is Christina Porrello from
4 the Department of Corrections. I would -- I would
5 agree with Mr. Shakoor as to holding it via Teams
6 or Zoom rather than telephonically. And
7 additionally, if we could hold the public records
8 hearing on the 15th at 4 p.m., if we could have
9 that hearing also via Teams or Zoom, I think that
10 that would be helpful because there will be
11 additional legal argument at that hearing as well.

12 It's my understanding that, for the Huff
13 hearing, that the defendant is not present. But
14 for the evidentiary hearing, yes, that that would
15 be the case. Please correct me if I'm wrong, but
16 that's my understanding.

17 And to that end, our agency would transport.
18 I know down to Charlotte County is certainly quite
19 a haul. So our department does need to route out,
20 you know, a course of action for this. So thank
21 you for setting that hearing, and we'll be able to
22 do that. But if it was being contemplated -- can
23 someone let me know if it's being contemplated that
24 he wants to be present on the 21st as well at the
25 Huff hearing?

1 THE COURT: No, no. Only if there's an
2 evidentiary hearing would he be transported. I
3 just want to make sure there's no problem
4 transporting him. How much notice do you need?
5 Obviously, it's only going to be, what, two days.
6 That's enough?

7 MS. PORRELLO: Right. That's sufficient. I
8 will put the Florida State Prison on notice now so
9 that way they can start mapping out their plan.

10 THE COURT: Okay. Is there anything else that
11 we need to go over as far as for our scheduling?

12 MS. PACHECO: Your Honor, this is Christina
13 Pacheco again. I just wanted to make sure I had
14 the right date for the State's answer. It was
15 Monday, January 20th by 9 a.m.?

16 THE COURT: Yes.

17 MS. PACHECO: Okay. Thank you.

18 THE COURT: Wait a minute. January --
19 Saturday is...

20 I think I might have misspoke. So Saturday is
21 actually the 18th. So if anyone wrote down the
22 19th, it's supposed to be the 18th, and then Sunday
23 is the 19th. Everyone clear? So the motion, it
24 needs to be filed by Sunday -- Satur- -- Sunday,
25 January -- I am so sorry, you all. Sunday, the

1 19th at 9 a.m., and then the answer is January 20th
2 at 9 a.m. Yes.

3 Is that what everyone has?

4 MR. SHAKOOR: Yes, Judge.

5 THE COURT: Okay. We're forgoing the Saturday
6 date. All right. So let me ask specifically, does
7 the Attorney General's office have anything else
8 that we need to discuss in this case management
9 conference?

10 MS. PACHECO: Your Honor, I would just ask is
11 it possible -- since the Huff hearing will not be
12 until January 21st, is it possible that the State
13 be given a little bit later of a deadline on Monday
14 so we have a little bit more than 24 hours? To
15 maybe even, like, noon would help on January 20th.

16 MR. SHAKOOR: No objection at all, Judge.

17 THE COURT: Okay. That's fine then.

18 As far as the Huff hearing and the evidentiary
19 hearing -- not the evidentiary hearing, but the
20 Huff hearing, I don't have Teams. All I have is
21 Zoom.

22 Does everyone have Zoom? Can get in?

23 MS. BENTLEY: Yes.

24 MR. SHAKOOR: Yes, Judge.

25 THE COURT: All right. We can use my Zoom

1 information, which can be found on my website.

2 Is anyone going to be appearing in person for
3 any of these hearings?

4 MS. PACHECO: Christina Pacheco again. I --
5 if scheduling permits, I would like to be in person
6 for the Huff hearing on the 21st.

7 THE COURT: Okay. So for the record, our
8 hearing will be held in Courtroom 4D at the
9 Charlotte County Justice Center. And my Zoom
10 information is as follows. It has no password,
11 just the ID. It's 8443646930.

12 MR. SHAKOOR: Judge, just to clarify, the
13 defense will only be appearing in person if we're
14 granted an evidentiary hearing. I know Ms. Pacheco
15 just mentioned that she'll be, hopefully, at the
16 Huff hearing in person, but we plan on appearing
17 virtually for all the hearings unless they're
18 in-person evidentiary hearings.

19 THE COURT: Okay.

20 MR. SHAKOOR: Thank you, Judge.

21 THE COURT: So then over to Mr. Shakoor. Do
22 you have any other matters that we need to discuss
23 prior to ending our call today?

24 MR. SHAKOOR: I don't think so, Judge. If
25 your JA can just please send out the Zoom

1 information because we're trying to take notes and,
2 you know, talk at the same time. If that could be
3 sent out before the next hearing date. Other than
4 that, I think we're all ready to go.

5 THE COURT: Okay. I'll send out an invite for
6 that.

7 MS. PORRELLO: Your Honor, this is Christina
8 Porrello. Could we also have the public records
9 hearing on the 15th be via Zoom?

10 THE COURT: We can. No one's appearing in
11 person for that; correct? All right.

12 Ms. Bentley, anything from you, from the
13 State?

14 MS. BENTLEY: No, Your Honor.

15 THE COURT: Okay. All right. Then I will
16 prepare this scheduling order right now, get it out
17 to everyone as is required, and I will see everyone
18 or hear everyone on -- let me ask you this. If
19 you're not going to be here in person, it's going
20 to be strictly by Zoom.

21 So no one's going to appear by phone; correct?

22 MR. SHAKOOR: Correct.

23 THE COURT: I'll see everyone January 15th at
24 4:00. Anything further?

25 MS. PACHECO: Thank you, Your Honor.

1 MR. SHAKOOR: Not on behalf of Mr. Ford,
2 Judge. Thank you.

3 THE COURT: All right. Thank you all. Have a
4 good evening.

5 (The proceedings were concluded at 3:55 p.m.)
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C E R T I F I C A T E

STATE OF FLORIDA }
COUNTY OF MARION }

I, Jennifer Little, Court Reporter and Notary Public, hereby certify that I was authorized to and did stenographically report the foregoing telephonic proceedings in the above-styled cause before the HONORABLE LISA S. PORTER; and that the transcript, pages 3 through 19, is a true record of the foregoing proceedings.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

Dated this 13th day of January, 2025.

Jennifer Little

Jennifer Little