

**IN THE CIRCUIT COURT OF THE  
EIGHTEENTH JUDICIAL CIRCUIT  
IN AND FOR BREVARD COUNTY,  
FLORIDA**

**CASE NO.: 05-2006-CF-014592-AXXX-XX**

**STATE OF FLORIDA,**

**Plaintiff,**

**v.**

**JAMES PHILLIP BARNES,**

**Defendant.**

\_\_\_\_\_ /

**TRIAL COURT'S SCHEDULING ORDER**

**THIS CAUSE** comes before the Court on the Supreme Court of Florida's Order entered on June 22, 2023, and filed herein on the same date. The Governor of the State of Florida issued on June 22, 2023, an active death warrant for the Defendant. On June 22, 2023, the Supreme Court of Florida directed that "[t]he proceedings pending in the trial court, if any, shall be completed and orders entered as expeditiously as possible, but no later than **5:00 p.m., Monday, July 3, 2023.**" This Court has scheduled a case management conference for **Tuesday, June 27, 2023, at 2 P.M.** A court reporter has been scheduled to transcribe the case management hearing in real time,

and shall be present at any hearings in this matter. Fla. R. Crim. P. 3.851(h)(7).

The Court has set the following schedule in the trial Court for purposes of meeting the Supreme Court of Florida's deadline:<sup>1</sup>

1. The Florida Department of Corrections shall provide any updated, or outstanding public records requests to postconviction counsel no later than **8:00 A.M. on Tuesday, June 27, 2023**. This includes filing compliance with the Defendant's demand for additional medical records from the Florida Department of Corrections which was originally filed on September 2, 2020, but a notice of compliance has not been filed to date in the above-styled case number. (electronic court docket #397).

2. The Defendant shall file any additional public records requests by **10:00 A.M. on Tuesday, June 27, 2023**.

3. Any objections from agencies involved in those requests shall be filed by **noon/12:00 P.M. on Tuesday, June 27, 2023**.

4. The Court will hold a public records hearing, if necessary, on the additional public record requests and any objections from any

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<sup>1</sup> Monday, July 3, 2023 is a Chief Judge Court Holiday in the Eighteenth Judicial Circuit.

agency at **3:00 P.M. on Tuesday, June 27, 2023**, after the Court's first case management hearing. The Court will order compliance by the agencies, if the objections are overruled by **5:00 P.M. on Tuesday, June 27, 2023**.

5. Any successive postconviction motion shall be filed by the Defendant by **noon/12:00 P.M. on Wednesday, June 28, 2023**. Counsel shall comply with the page limitation set forth in Rule 3.851(e)(2), Florida Rules of Criminal Procedure.

6. The State shall file a response to the Defendant's successive postconviction motion by **Thursday, June 29, 2023, at 8:00 A.M.** The State shall comply with the page limitation set forth in Rule 3.851(f)(3)(B).

7. The Huff hearing shall be held on **Thursday, June 29, 2023, at 11:00 A.M.** Fla. R. Crim. P. 3.851(c)(3). The Court will issue an order regarding whether an evidentiary hearing will be held and on which particular claims by **4:00 P.M. on Thursday, June 29, 2023**.

8. Any evidentiary hearing shall be held **at 10:00 A.M. on Friday, June 30, 2023**. The Defendant's presence will be required at any evidentiary hearing. Fla. R. Crim. P. 3.851(c)(3). Any

postconviction evidentiary hearing memorandums of law must be filed by **5:00 P.M. on Friday, June 30, 2023.**

9. This Court will issue a final written order on any successive motion by **5:00 P.M. on Monday, July 3, 2023.**

10. The Clerk of Court shall have the record on appeal, including all warrant filings and complete transcripts of all the hearings filed in the Florida Supreme Court by **5:00 P.M. on Thursday, July 6, 2023.**

**DONE** at the Moore Justice Center, Viera, Brevard County, Florida, this 26<sup>TH</sup> day of JUNE, 2023.

  
**STEVE HENDERSON**  
**CIRCUIT JUDGE**

**CERTIFICATE OF SERVICE**

I do hereby certify that copies of this Order have been provided by e-mail and by U.S. Mail to:

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Clerk, Supreme Court of Florida  
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this 24<sup>th</sup> day of June, 2023.



Traci Moss  
Judicial Assistant  
Harry T. and Harriette V. Moore Justice Center  
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**ATTN: PERSONS WITH DISABILITIES. If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator at Court Administration, 2825 Judge Fran Jamieson Way, 3rd floor, Viera, Florida, 32940-8006, (321) 633-2171 ext. 2 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.**