

THE EIGHTH JUDICIAL CIRCUIT OF FLORIDA
ADMINISTRATIVE ORDER NO. 4.01

**CIRCUIT COURT CRIMINAL DIVISION:
ORGANIZATION AND PROCEDURES**

In order to provide for the requirements of the Eighth Judicial Circuit in the area of the Organization and Procedures of the Criminal Divisions of the Circuit Court; and

WHEREAS, the orderly administration of justice requires that attorneys, clerks, defendants, victims, witnesses, personnel in the various agencies dealing with the courts, and other persons involved in the process of a criminal case, be advised of the organization and procedures of the criminal divisions; it is hereby

ORDERED that that the following Organization and Procedures of the Criminal Divisions of the Circuit Court are hereby adopted:

I. ORGANIZATION OF THE CRIMINAL DIVISIONS

A. Structure of Divisions

The structure of the criminal divisions and general distribution of cases to each division are set forth in the General Assignment Order¹, which may be amended from time to time by the Chief Judge of the Eighth Judicial Circuit.

B. General Responsibility of Judges in the Criminal Division

The Judge of each division is responsible for the progress and conduct of all cases assigned to that division from inception to conclusion, including but not limited to: arraignments, bond hearings, motion hearings, case management, trial status, pre-trial, trial and post-trial matters. The Judge shall exercise supervision over the preparation of all calendars and dockets of cases assigned to him or her in conformity with the Master Calendar.

¹ The Master Calendars are available online at www.circuit8.org.

C. General Responsibility of Judges on Special Court Assignment

Special Court assignments include: (1) Division V (Alachua County Felony Forensics); (2) Division VI (Circuit-wide Post-Conviction Relief); (3) Division VII (Adult Felony Drug Court - Alachua County, Baker County and Bradford County); (4) Division VIII (Veterans Treatment Court); (5) Division IX (Alachua County Mental Health Court); (6) Extraordinary and Unusual Case Compensation; and (7) Circuit-wide "Jimmy Ryce" Cases. The Judge assigned to each of the Special Court dockets is responsible for the progress and conduct of all such cases on that docket.

II. GENERAL PROCEDURE FOR PROCESSING CRIMINAL DIVISION CASES

A. Designated Proceedings on Master Calendar

The dates available for proceedings are generally regulated by the Master Calendars. The Master Calendars utilize the following designations:

1. Criminal General

Criminal General is reserved for conducting arraignments, change of pleas, and dispositions, as well as other events which have been calendared by court order, oral or written.

a. Special Arraignment/Case Management Conference

Special Arraignment and Case Management Conference is reserved for conducting arraignment and case management, which entails among other things, the setting of a trial status conference, pre-trial conference, and a trial date. This docket is specially reserved for those cases, including any charge under the following statutes: Chapter 893, Florida Statutes; Chapter 322, Florida Statutes; Chapter 316, Florida Statutes; § 812.014(3)(C); § 796.07(4)(c), and such other cases as the division Judge may identify for expedited progress.

2. Bond Reduction Hearings

a. Motions to Modify Bond

- (1) Bond reduction hearings are reserved exclusively for motions related to bail bonds or pretrial release. These motions must be filed at least three (3) full working days prior to the hearing. The motion shall be heard by the division Judge in the division in which that case is filed. Bond reduction hearing dates may be obtained by viewing the Circuit Court Master Calendars, which can be found online at www.circuit8.org.
- (2) The attorney filing such motion shall prepare, file, and serve a notice of hearing and the motion.
- (3) The notice of hearing shall include the time, date, and courtroom for the bond hearing. The attorney is responsible for identifying the proper bond hearing docket and noticing the hearing before the appropriate division Judge.
- (4) The attorney filing the motion shall prepare a proposed order and bring that order to the bond hearing with the appropriate number of copies for opposing counsel. Delivery shall be by e-mail or delivery in the courtroom.

b. Thirty (30) and Forty (40) Day Motions for ROR Release Pursuant to Rule 3.134

- (1) Thirty (30) and forty (40) day motions for ROR release shall be noticed for hearing for the first available bond hearing docket, irrespective of the division in which the case is filed. Bond reduction hearing dates may be obtained by viewing the Circuit Court Master Calendars, which can be found online at www.circuit8.org.
- (2) The attorney filing such motion shall prepare, file, and serve a notice of hearing and the motion by 2:00 p.m. on the business day prior to the date that the hearing is scheduled to occur.
- (3) The notice of hearing shall include the time, date, and courtroom for the bond hearing. The attorney is responsible for identifying the proper bond hearing docket and noticing the hearing before the first available Judge on the business day following the date the motion is filed.

- (4) The attorney filing the motion shall prepare a proposed order with the appropriate number of copies for opposing counsel. Delivery shall be by e-mail or delivery in the courtroom.
- (5) Attorneys filing thirty (30) and forty (40) day motions for ROR during a fifth week (or at any time when there is not a next day bond docket) shall provide a courtesy copy of the motion to the office of the division Judge assigned the case; Chief Assistant State Attorney Jeanne Singer at Singerj@SAO8.org, or designee; and, the Transportation Bureau at the Alachua County Jail at (352) 491-4468.

Additionally, the attorney will e-mail and call the Judicial Assistant by 2:00 p.m. on the business day prior to the date that the hearing is scheduled to occur to schedule it for hearing. Felony thirty (30) and 40 (forty) day motions will remain in circuit court, and misdemeanor thirty (30) and forty (40) day motions will remain in county court. The motion will be special set in that division on the next business day.

If that division is unable to special set a thirty (30) or forty (40) day bond hearing, the Judicial Assistant will attempt to find another Judge to cover the bond hearing on that next business day.

If no Judge is available to cover the thirty (30) or forty (40) day bond hearing on the next business day, the Judicial Assistant shall add the bond hearing to the First Appearance docket on the next business day.

It is the responsibility of Defense Counsel to provide proper notice to the Assistant State Attorney of the date and time of the hearing. A courtesy copy of this notice of hearing must also be sent to the Chief Assistant State Attorney Jeanne Singer at Singerj@SAO8.org, or designee, as well as the Transportation Bureau at the Alachua County Jail at (352) 491-4468.

If the Assistant State Attorney stipulates that the State will not be filing charges, Defense Counsel can submit a stipulated motion and order. Any such motion must include a paragraph that states that the Assistant State Attorney was contacted and is not opposed to granting the thirty (30) or forty (40) day motion.

c. Transfers to County Court

- (1) When the State Attorney announces either a transfer or intent to transfer a case from felony to county criminal court, the Court will enter an order requiring the State Attorney's Office to file an Amended Information within 48 hours.
- (2) The Court will order the defendant's case to be placed on the First Appearance docket no more than three (3) business days from the date of the State Attorney's announcement. If the State Attorney's Office files the Amended Information in open court, the case can immediately be placed on the following day's First Appearance docket.
- (3) This procedure will provide the defendant with an expeditious bond review and allow the Court to consider bond or pretrial release options on the reduced charge, which may be recommended by Court Services at First Appearance.

3. Motion Hearings

Motion Hearings are reserved for considering evidentiary motions which have been scheduled through the Judicial Assistant of the presiding Judge in compliance with procedures established by the Judges of the criminal divisions.

4. Case Management Conference

Case Management Conference is reserved for conducting case management, which entails, among other things, the setting of a trial status conference, pre-trial conference, and a trial date.

5. Pre-Trial Conference

Pre-Trial Conference is reserved for the purpose of determining whether a case is progressing as expected towards jury selection, as determined at case management conference.

6. Trial Status Conference

Trial Status Conference is reserved for hearing unanticipated or emergency matters prior to Jury Selection or any other matters as approved by the Court.

7. Division V: Felony Forensics

Division V - Felony Forensics is reserved for those cases which have been transferred to Division V from an Alachua County felony division or from Alachua County Mental Health Court.

8. Division VII: Adult Felony Drug Court

Division VII - Adult Felony Drug Court is reserved for those cases which have been transferred from a felony division.

9. Division VIII: Veterans Treatment Court

Division VIII - Veterans Treatment Court is reserved for those cases which have been transferred from a felony or misdemeanor division.

10. Division IX: Mental Health Court

Division IX - Mental Health Court is reserved for those cases which have been transferred from a felony or misdemeanor division.

11. Criminal Jury Selection

Jury Selection is reserved for conducting jury selection and any other matters as approved by the Court.

12. Violation of Probation

Violation of Probation (a.m.) is reserved for arraignments, case management, change of pleas, and dispositions in violation of probation and community control cases. Violation of Probation hearings (p.m.) are reserved for hearings/trials in violation of probation and community control cases and any other matters as approved by the Court.

13. Trial

Trial is reserved for conducting trials and any other matters as approved by the Court.

B. Arraignment, Case Management, Pre-Trial, and Trial Status

1. Arraignment

a. Special Arraignment

- 2.** Not less than ten (10) days, but as soon thereafter as is reasonable after an information or indictment is filed under any other statute number, arraignment at criminal general will take place. The Clerk will provide notice of the arraignment to attorneys of record, pro se defendants, and the bonding agency.

Case Management Conference

a. Date

Not more than twenty-eight (28) days after the arraignment, if the case has not yet been disposed, the Court will conduct a case management conference. At the case management conference, a date for the trial status conference and the trial will be set.

b. Responsibilities of State and Defense prior to case management

After receipt of the Demand for Discovery, and in compliance with the Florida Rules of Criminal Procedure, the State must supply all discovery and police reports to the Defense, and both are encouraged to engage in plea discussions, pursuant to Rule 3.171(a), Florida Rules of Criminal Procedure. Both the State and Defense are expected to exercise diligence to complete enough discovery to be able to set a date for trial at the case management conference and be bound by the trial date set.

c. Matters to present for consideration and discussion

Attorneys for the State and the Defense will be prepared to present the following matters for consideration and discussion:

- (1) Status of discovery and the need for expedited discovery;
- (2) Status of plea discussions;
- (3) Anticipated time for trial;
- (4) Setting date for pre-trial conference and trial; and
- (5) Any other matters important to the progress and resolution of the case.

d. Requesting trial date beyond time standards, speedy trial period

If the State or Defense, or both, request a trial date which, if set, would continue the case beyond the time standard of Rule 2.250(a), Florida Rules of Judicial Administration, the request must be made in compliance with Rule 3.190(f), Florida Rules of Criminal Procedure and Rule 2.545(e), Florida Rules of Judicial Administration, and good grounds must be shown for delay of the case.

e. Presence of Defendant

Unless waived in writing, the defendant's presence shall be required at all pretrial court events, pursuant to Rule 3.180(a)(3) and Rule 3.220(o)(1), Florida Rules of Criminal Procedure. The undersigned Chief Judge finds good cause to require pro-se defendants without standby counsel to be present at all court events unless his or her presence is waived by the presiding Judge.

f. Presence of Attorneys

The attorneys for the State and Defense will be present at the case management conference, unless other arrangements have been approved by the presiding Judge.

3. Pre-Trial Conference

At the pre-trial conference, a specific trial week or a date and time for trial may be confirmed. Attorneys for the State and Defense shall be present and will be prepared to present the following matters for consideration and discussion:

- i. Sentencing score under the guidelines and other sentencing matters, including the applicability of the habitual offender statutes, mandatory minimums, and departures;
- ii. The possibility of obtaining admissions of fact and of documents that will avoid unnecessary proof; and
- iii. Witnesses expected to be called for trial and the availability and location of those witnesses.

4. Trial Status Conference

The scheduling of trial status conferences remains in the discretion of the presiding Judge. At trial status conference, the Judge may accept changes of plea, announcements of *nolle prosequi*, or last minute unanticipated or emergency matters prior to jury selection. Judges may also set trials for day certain at trial status.

C. Change of Plea

Change of pleas will be calendared by court order, oral or written, as soon as possible. If a change of plea cannot be scheduled before a case management conference, trial status conference, or pre-trial conference, time permitting, the Judge may entertain the change of plea at the case management conference, pre-trial conference, or trial status conference or as otherwise approved by the Court. The intention to enter a change of plea does not relieve the State or the Defense from the obligation to be prepared for the case management conference and pre-trial conference.

D. Violation of Probation Cases

Violation of probation cases shall be placed on the first available docket for arraignment. After arraignment, violation of probation case management, change of pleas, dispositions, and hearings will be calendared by court order, oral or written.

E. Evidentiary Motions

All evidentiary motions, including Motions in Limine, will be calendared by the moving party through the Judicial Assistant of the presiding Judge. Evidentiary motions will not be entertained at the case management conference or the pre-trial conference.

F. Changes in Dockets and Court Schedules

No case may be added to or removed from any docket or calendar without the specific approval of the presiding Judge.

G. Emergency Matters

Emergency matters which cannot be heard on a timely basis by the presiding Judge in Alachua County will be brought to the attention of the presiding Judge’s Judicial Assistant and the Criminal Court Operations Consultant. The Judicial Assistant or Criminal Court Operations Consultant will coordinate the referral of the matter to a Judge for consideration.

Emergency matters which cannot be heard on a timely basis by the presiding Judge in Baker, Bradford, Gilchrist, Levy and Union Counties will be brought to the attention of the presiding Judge’s Judicial Assistant and the Senior Court Operations Consultant. The Judicial Assistant or Senior Court Operations Consultant will coordinate the referral of the matter to a Judge for consideration.

III. EFFECTIVE DATE AND RESCISSION OF PREVIOUS ORDERS

This order shall be effective January 4, 2016. This order rescinds and supersedes Administrative Order 4.01 (v3) entitled “Circuit Court Criminal Division: Organization and Procedure” dated January 31, 2014.

ORDERED ON this 4th day of January, 2016.



Robert E. Roundtree, Jr., Chief Judge