

THE EIGHTH JUDICIAL CIRCUIT OF FLORIDA
ADMINISTRATIVE ORDER NO. 4.02

**ALACHUA COUNTY COURT CRIMINAL DIVISION:
ORGANIZATION AND PROCEDURE**

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 procedure of the criminal division;

WHEREAS, the interests of justice would best be served by the issuance of a standing order which sets forth uniform requirements for the conduct of pretrial conference in all trial divisions;

THEREFORE, it is hereby

ORDERED that:

I. ORGANIZATION OF THE CRIMINAL DIVISION

A. Divisions

There shall be three criminal divisions of the county court. The general distribution of cases is set forth below:

Division I: (A-G)
Division II: (H-N)
Division III: (O-Z)

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, pretrial conferences, trial status conferences,

trial, and post-trial matters. The judge shall exercise supervision over the preparation of all calendars and dockets of cases assigned to the judge in conformity with the master calendar.

II. GENERAL PROCEDURE

The dates available for proceedings are generally regulated by the County Court Criminal Calendar. The following procedures apply to criminal cases pending in Alachua County Court:

A. **Arraignment**

1. Arraignment shall occur not less than ten days after a citation, notice to appear, or information has been filed with the Clerk of Court; arraignment will take place as established in the County Court Criminal Calendar. If the charging instrument does not provide an arraignment date, the Clerk shall provide notice of the arraignment to attorneys of record, *pro se* defendants*, and the bonding agency.

2. It is mandatory that the defendant, defense counsel, and counsel for the State appear at arraignment, except that the defendant and defense counsel may be excused from appearance if defense counsel has filed, prior to arraignment, a written plea of not guilty, pursuant to Florida Rule of Criminal Procedure 3.160(a).

3. At arraignment, the defendant shall be prepared to enter a good faith plea. If the defendant enters a plea of guilty or *nolo contendere*, the court may accept the plea and dispose of the case at arraignment. If the defendant enters a plea of not guilty, the court shall set the case for the next appropriate pretrial conference as set forth in the County Court Criminal Calendar.

B. **Pre-Trial Conference**

1. Pre-Trial Conference (“PTC”) for each trial term shall be held at least two (2) weeks prior to the trial term and shall be conducted over a two day period as follows:

* Pro Se Defendant: those Defendants representing themselves.

a. PTC for private counsel and pro se defendants will be held the first day and will begin at 9:00 A.M.

b. PTC for defendants represented by the Public Defender's Office will be held the second day. Public Defender PTC will begin at 10:00 A.M. for the morning session and 2:00 P.M. for the afternoon session. Defendants represented by the Public Defender's Office will be noticed to appear at 8:30 A.M. and 12:30 P.M. to provide the assistant public defenders an opportunity to meet with their clients prior to PTC. Although the Public Defender PTC is divided, by alphabet, into morning and afternoon sessions, the assistant public defenders for each division shall be present for both the morning and afternoon pre-court sessions to assist each other and to maximize judicial efficiency.

c. Every defendant's counsel, pro se defendants and counsel for the State of Florida, shall attend PTC for the purpose of announcing whether each case is to be set for trial at the next ensuing trial term. It is the intent of this order to re-establish PTC as the day cases are set for trial or change of plea in a meaningful and informed manner.

d. PTC will usually be conducted on Mondays and Tuesdays throughout the year. However, when a holiday disrupts the schedule, PTC will be conducted on alternate days as indicated by the County Court Criminal Calendar.

2. Waiver of Presence. The defendant's presence is not required at PTC if defense counsel files a Pre-Trial Acknowledgment and Waiver form signed by both the defendant and defense counsel (see attached form). If the defendant has not signed the PTC Acknowledgment and Waiver form, his or her presence is required for purpose of case management. Pro se defendants must appear at all Pre-Trial Conferences unless prior permission is obtained from the Court.

3. Pre-Trial Motions. All motions shall be filed and heard prior to PTC. It shall be the responsibility of the movant to schedule and notice hearings on all filed motions. Any motion, the granting of which will result in the postponement, continuance or delay in the trial of any case or a dismissal of charges, will not be entertained nor considered by the Court on or

after PTC if such motion is based upon any circumstance, fact or matter of law known to the movant prior to PTC or which should have been known through the exercise of reasonable diligence.

4. Continuances. With minor exceptions, misdemeanor cases should be resolved within ninety (90) days from the date of the arrest or filing of the information. Consequently, continuances will be limited to those cases where good cause has been shown. Good cause is not presumed merely because the continuance is the first one requested by counsel. All motions and stipulations for continuance must comply with Fla. R. Crim. P. 3.190(g) and Fla. R. Jud. Admin. 2.545(e), and must be filed at or prior to PTC.

5. Discovery. The State and Defense will ensure that all discovery obligations have been satisfied no later than PTC.

6. Post Pre-Trial Conference Pleas. There will be no negotiated pleas, without good cause, after Trial Status Conference.

7. State Attorney Responsibilities.

a. *Pre-Arraignment:* Pursuant to a standing agreement between the State and the Public Defender's Office, the State will provide discovery at the earliest opportunity following the appointment of the Public Defender's Office. The participation of the Public Defender's Office in the discovery process is presumed in the absence of a written waiver.

b. *Pre-Trial Conference:* For all cases announced for trial, the State will confirm witness availability no later than forty-eight (48) hours following PTC and notify the judicial assistant and defense if a case must be continued due to the unavailability of an essential witness.

8. Defense Responsibilities. By announcing that a case is ready for trial at PTC, defense counsel and pro se defendants represent to the Court that:

a. The Defendant has reviewed all available discovery from the State, has rejected the plea offer (if any) and is available for trial.

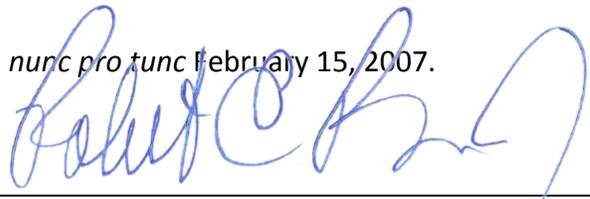
b. The Defendant has disclosed all defense witnesses and has completed all other discovery obligations.

9. The Clerk of the Court shall include the following language on court notices: "If the defendant pleads not guilty, subsequent proceedings will be governed by Administrative Order No. 4.001(F), which is available for review on the Eighth Judicial Circuit website at www.circuit8.org and in the Murphree Law Library, Fourth Floor, Family and Civil Justice Center, 201 E. University Avenue."

This Order supersedes all prior Alachua County Court Pre-Trial Conference or "Docket Day" Orders and shall become effective immediately.

This order renumbers, re-titles, and reformats prior Administrative Order No. 4.001(F) entitled "Alachua County Court Criminal Division Organization and Procedure."

ORDERED ON this 5th day of October, 2012 *nunc pro tunc* February 15, 2007.

A handwritten signature in blue ink, appearing to read "Robert E. Roundtree, Jr.", is written over a horizontal line.

Robert E. Roundtree, Jr., Chief Judge

IN THE COUNTY COURT OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR ALACHUA COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

CASE NO.:

vs.

DIVISION:

_____,
Defendant.

_____ /

PRE-TRIAL CONFERENCE ACKNOWLEDGMENT AND WAIVER

The following is hereby acknowledged with the advice and consent of undersigned counsel:

1. If discovery has been provided, the Defendant has reviewed the police reports, witness statements and all other evidence provided in this case.
2. The plea offer (if offered) from the State has been reviewed and is:
accepted/rejected (*circle one*).
3. The Defendant waives appearance at Pre-Trial Conference.
4. The Defendant understands that a continuance requested on the Defendant's behalf waives the Defendant's right to speedy trial pursuant to Rule 3.191, Florida Rules of Criminal Procedure. Motions for continuance must comply with Rule 2.545(e), Florida Rules of Judicial Administration.

Date

Defendant

Date

Defense Counsel