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CLERK OF CIRCUIT COURT

IN THE SECOND JUDICIAL
CIRCUIT OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NO.85-29

IN RE: Violation of Circuit Court Probation

Purpose: This Order is to implement procedures to facilitate the notification or arrest, arraignment, and the setting of hearing dates for those persons allegedly in violation of the terms or conditions of probation arising out of Circuit Court judgments.

Procedure: Parole and Probation Services is responsible for the supervision of probationers sentenced by the Circuit Court of Leon County and may make an initial determination to seek a Warrant for Violation of Probation to be accompanied by the Affidavit of Violation of Probation. This Warrant and Affidavit will be brought to the sentencing judge and, if found sufficient, will be issued and the Warrant and Affidavit delivered to the Clerk of the Circuit Court, the State Attorney, and the Sheriff of Leon County for execution. This Warrant shall issue with the probationer to be held without bond.

Upon the arrest of the probationer, the Sheriff of Leon County shall bring the defendant before the Circuit Court at 0815 on the morning following arrest according to the current 0500 to 0500 24-hour arrest calendar for the purpose of appointment of counsel, arraignment, setting of a hearing date and the setting of bond, if appropriate.

If the morning following arrest is on a weekend, holiday or other date that the Circuit Court is not in session, the arrested probationer shall be brought before the committing judge pursuant to Rule 3.130, Florida Rules of Criminal Procedure. The committing judge shall hold the arrested probationer without bond and direct the Sheriff to produce the probationer before the Circuit Court on the next morning that the Circuit Court is

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in session.

If Parole and Probation Services, in its discretion, decides to not seek an arrest warrant but require the presence of the defendant before the Court for the violation of the terms or conditions of probation, the following procedures shall apply:

Parole and Probation Services shall prepare an Affidavit of Violation of Probation and a Warrant for Violation of Probation. The Affidavit only shall be brought to the Clerk of the Circuit Court. The Affidavit shall contain a Notice of Arraignment stamp with a date specified sufficiently far in the future to ensure that service of process can be accomplished and the probationer have sufficient time to be present before the Circuit Court at 0815 on the specified date. The Clerk of the Circuit Court shall affix the seal and record the Affidavit and date of arraignment. The Clerk shall then notify the State Attorney and the Circuit Judge. Parole and Probation Services will then personally serve the probationer with the Affidavit and date and time of arraignment. The date set will be a date that the Circuit Court is in session.

The probationer shall appear on the specified date and time before the Circuit Court. The Circuit Judge shall then proceed with arraignment and set a hearing date.

If the probationer does not appear before the Court on the specified date and time, the probation officer shall file with the Court the Affidavit showing the personal service on the probationer and the warrant previously prepared. The Circuit Court shall then, if service and probable cause is found to be sufficient, issue the Warrant for Violation of Probation. The procedures as outlined in the warrant section of this Order shall then apply.

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CLERK OF THE CIRCUIT COURT & COMPTROLLER LEON COUNTY GWEN MARSHALL
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Responsibilities

In order to effectuate the purpose of this Order, the following agencies shall have the following duties:

Parole and Probation Services -

1. Prepare Affidavits and Warrants.

2. Present Affidavits and Warrants of probationers to be arrested to the Circuit Judge.

3. Deliver copies of Affidavits and Warrants to the Clerk of the Circuit Court, State Attorney and the Sheriff.

4. Submit Affidavits only to the Clerk of the Circuit Court for the issuance of process for those whose arrest is not desired and a copy delivered to the probationer and State Attorney with the specified arraignment date and time.

5. Have a representative, with the arrest warrant, present on those dates that a non-arrested probationer is to be present in the Circuit Court. Present the completed warrant to the Circuit Judge if the non-arrested probationer fails to appear on the specified date.

6. Have a representative present to present information to the Court as to arrested probationers.

Sheriff of Leon County -

1. Execute all arrest warrants.

2. Enter arrest data in computer system and maintain current 0500 to 0500 24-hour arrest calendar.

3. Produce the arrested Circuit Court probationers at 0815 on the first morning after arrest according to current 24-hour arrest calendar before the Circuit Court on dates the Circuit Court is in session.

4. Produce the arrested Circuit Court probationers before the first appearance judge on those dates the Circuit Court is not in session.

Clerk of the Circuit Court -

1. Issue "process of the Court" when presented with the Affidavit of Violation of Probation and affix the seal.

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2. Notify the State Attorney and Circuit Judge of the specified date for arraignment.

3. Have files present for arraignments.

4. Establish the hearing dates to be set at arraignment.

Public Defender -

1. Have a representative present for arraignment of arrested and non-arrested probationers.

State Attorney -

1. Have a representative present for arraignment of arrested and non-arrested probationers.

Circuit Judge -

1. The Circuit Judge presiding during trial week shall be responsible for conducting the aforementioned arraignments.

DONE AND ORDERED in Chambers at Tallahassee, Leon County, Florida, this 25th day of June, A. D. 1985.

Donald O. Hartwell

DONALD O. HARTWELL
CHIEF JUDGE

Copies:

Honorable William Meggs, State Attorney
Honorable Michael Allen, Public Defender
Honorable Eddie Boone, Sheriff
Ernest Doster, Probation and Parole Services
Circuit Judges, Leon County Criminal Division
County Judges, Leon County

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