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IN THE SECOND JUDICIAL CIRCUIT OF THE STATE OF FLORIDA

CHAMBERS OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NO.: 99-10 AMENDED

IN RE: ASSIGNMENT OF CIRCUIT COURT, CRIMINAL DIVISION CASES IN LEON COUNTY

WHEREAS, the Chief Judge is charged by Fla. R. Jud. Admin., 2.050(b)(4), with responsibility of assigning judges to the courts and divisions; and

WHEREAS, there is a desire to equitably proportion the Leon County Circuit Court Criminal Division workload;

IT IS THEREFORE, ORDERED that:

A. The Leon County Circuit Court Criminal Division caseload shall be apportioned on the bases of a weighted case assignment system.

B. Leon County Circuit Criminal cases shall be assigned a weighted factor within divisions according to the degree of offense alleged. Criminal cases shall be assigned and weighted as follows:

Division	Weight	Degree
A & B	100	Life
A & B	95	Capital
A & B	90	First
A & B	85	Second
A & B	80	Third - Persons Crimes
C	75	First - Non Persons Crimes
C	70	Second - Non Persons Crimes
C	60	Third - Non Persons Crimes
C	50	Third - Felony Worthless Checks
Misdemeanor	40	First
Misdemeanor	35	PWBC
Misdemeanor	30	Second
Traffic	25	Criminal/Infraction/Other
Circuit Civil	20	Other
County Civil	15	Other
County Ordinance	10	Other
City Ordinance	5	Other
Not Charged	4	Other
Blue Writ (Z)	3	Other

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C. The Leon County MIS Division, Trial Court Technology Officer and the Clerk of Court shall implement the following assignment procedures:

NEW FELONY CASES, INCLUDING VOP'S

1. Each count in all new cases and new VOP's shall be assigned a weight as set out in Section B. If there is more than one count, the count with the most serious degree of criminal offense charged pursuant to the Florida Department of Law Enforcement (FDLE) statute table, shall be the count used when determining the division assignment.

   The Florida Department of Law Enforcement (FDLE) statute table shall be the only table used for making the determination for the degree of criminal offense charged. This table shall be the only statute table used in the CJIS system.

   a) Changes and periodic updates to this table shall only be made by the Trial Court Technology Officer and/or Director of Criminal Courts. No other users shall have the ability to update this table.

   b) Criminal offenses submitted for entry into the CJIS system that do not conform to the CJIS (FDLE) statute table, shall be returned to the originating agency for correction.

2. If the weight assigned to the most serious count is 80 or above the case shall be assigned to Divisions A or B. If the weight assigned to the most serious count is 75 to 50 the case shall be assigned to Division C, unless there is a pending case or pending VOP in Divisions A or B.

PENDING CASES OR VOP'S

3. After a weight has been assigned to all new cases and new VOP's the cases shall be checked to determine if there is another pending case or pending VOP in Divisions A, B, or C.

4. If there is a pending case or pending VOP in either Division A or B then all new cases, and/or the new VOP's, irrespective of the weight assigned to the new case or new VOP, shall be assigned to either Division A or B, in which there is a pending case or pending VOP.

5. If there is a pending case or pending VOP in Division C and the weight assigned to the most serious count of the new case and/or new VOP is 80 or more, then the new case and/or new VOP shall be assigned to Divisions A or B, as set forth in Section 9 for new cases and Section 11 for VOP's.

6. If there is a pending case or pending VOP in Division C and the weight assigned to the most serious count of the new case and/or new VOP is 75 to 50, then the new case and/or new VOP shall be assigned to Division C.

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PRIOR HISTORY BUT NO PENDING CASE OR VOP

7. If there are no pending cases or pending VOP's in either Division A or B then all new cases, and/or the new VOP's, with an assigned weight of 80 or above shall be assigned to either Division A or B, in which there has been a history of a previous case or previous VOP for this defendant.

8. If there are no pending cases or pending VOP's in either Division A or B and the weight assigned to the most serious count is 75 to 50 the case shall be assigned to Division C, irrespective of a prior history in Division A or B.

NEW CASES - (EXCLUDING VOP'S) WITH NO PENDING CASES NOR PRIOR HISTORY

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9. If there are no pending cases or pending VOP's, nor a history of a previous case or previous VOP for a defendant in either Division A or B, then all new cases excluding VOP's, with an assigned weight of 80 or above, shall be assigned to Division A or B as determined by which Division A or B, that has been assigned the lowest number of total cases in the particular weight category to which the new case is to be assigned.

For example, if in weight category 95 Division A has received three (3) more cases in that particular weight category when all the assigned cases in that weight category are totaled together, because there was a pending case or a prior case history in Division A for those cases, then Division B would be assigned the next three (3) new cases, within weight category 95, which has no pending cases or prior history in Divisions A or B. This is done in order to achieve the goal of assigning Divisions A and B an equal number of new cases, excluding VOP's, within each weight category.

If the total pending new cases in either Divisions A or B are different it would be because there were a greater number of dispositions in either Division A or B. The goal is an equal number of assignments of new cases within each weight category, for both Divisions A and B, not an equal number of pending cases.

10. If there are no pending cases or pending VOP's, for a defendant in either Division A or B, then all new cases, with an assigned weight of 75 to 50, shall be assigned to Division C.

VOP'S

11. All VOP's with a weight category of 80 or above shall be assigned to Division A or B irrespective of a pending case or prior case history in Division C. It is recognized that the assignments of VOP's to Division's A and B will not be equal or on a "one for one" basis, but rather will be determined by which division has the most defendants who violate their probation.

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12. If there are no pending cases or pending VOP's for a defendant in either Division A or B then all VOP's with an assigned weight of 75 to 50 shall be assigned to Division C, irrespective of a prior history in Division A or B. It is recognized that pending Division C cases, including VOP's, will have to be manually reassigned to Divisions A or B, if a new case, including a new VOP, is created with a weight category of 80 or above while the defendant has a pending case in Division C.

MISCELLANEOUS

13. If there are co-defendants the assignment program shall use the first named defendant to determine if there is a prior case history or pending case in either Divisions A, B or C.

14. For assignment purposes, when a case reopens for any reason the system shall look to the sentencing phase of the most serious degree of criminal offense for which a sentence was imposed to determine the statute to weigh. If there is no statute in the sentencing phase, then the system shall look to the prosecutor phase and initial phase respectively. The case shall then be assigned to Divisions A, B, or C as set forth in Sections 9 and 10 for new cases and Sections 11 and 12 for VOP's.

HISTORY

15. If a defendant has a prior history in both Divisions A and B, then the new case or VOP shall be assigned to the division with the most recent history.

16. When determining history for Division A, the system should look for cases assigned to Judge Davey, Judge Steinmeyer, Judge Sauls, Judge Hall and Judge Ferris and assign these cases to Division A.

17. When determining history for Division B, the system should look for cases assigned to Judge Padovano, Judge Gary, Judge Clark, Judge Smith and Judge Reynolds and assign these cases to Division B.

18. If the system does not find a case that matches the historical criteria described above, then the case shall be deemed not to have a history and shall be assigned to Divisions A or B, as set forth in Sections 9 and 10 for new cases and Sections 11 and 12 for VOP's.

JUDGE REASSIGNMENTS

19. For the purposes of the Judge Assignment program, reassignment cases should decrement from the appropriate assignment category (based on the weight of the most serious charge) for the division it is being reassigned from and increment the appropriate assignment category (based on the weight of the most serious charge)

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for the division it is being reassigned to.

20. Each week the clerk shall generate a report of pending Division 'C' cases where the defendant has pending case(s) in Division A or B. This report shall be sent to all Criminal Division Judges, the State Attorney and the Public Defender for review and possible reassignment of Division 'C' cases to the appropriate division either Division 'A'or 'B', depending on where the pending case(s) resides.

21. In the CJIS application Judge Reassignment means that a case is reassigned from one criminal felony division judge to another criminal felony division judge.

TRANSFERS

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22. For the purposes of the Judge Assignment program, transfer cases should decrement from the appropriate assignment category (based on the weight of the most serious charge) for the division it is being transferred from and increment the appropriate assignment category (based on the weight of the most serious charge) for the division it is being transferred to.

23. In the CJIS application Transfer mean that a case is transferred from circuit court to county court and vice versa.

D. Administrative Order #89-105 is hereby rescinded on the date this assignment procedure takes effect.

E. This assignment procedure shall take effect on November 15, 1999.

F. The Chief Judge shall approve any proposed effective date for any automated application either being developed or enhanced to comply with this order.

DONE AND ORDERED in Chambers this 11 day of June, 2001.

GEORGE S. REYNOLDS III
CHIEF JUDGE

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Revised 6/11/01

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