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IN THE SECOND JUDICIAL CIRCUIT OF THE STATE OF FLORIDA

CHAMBERS OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NO.: 99-10

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

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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	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

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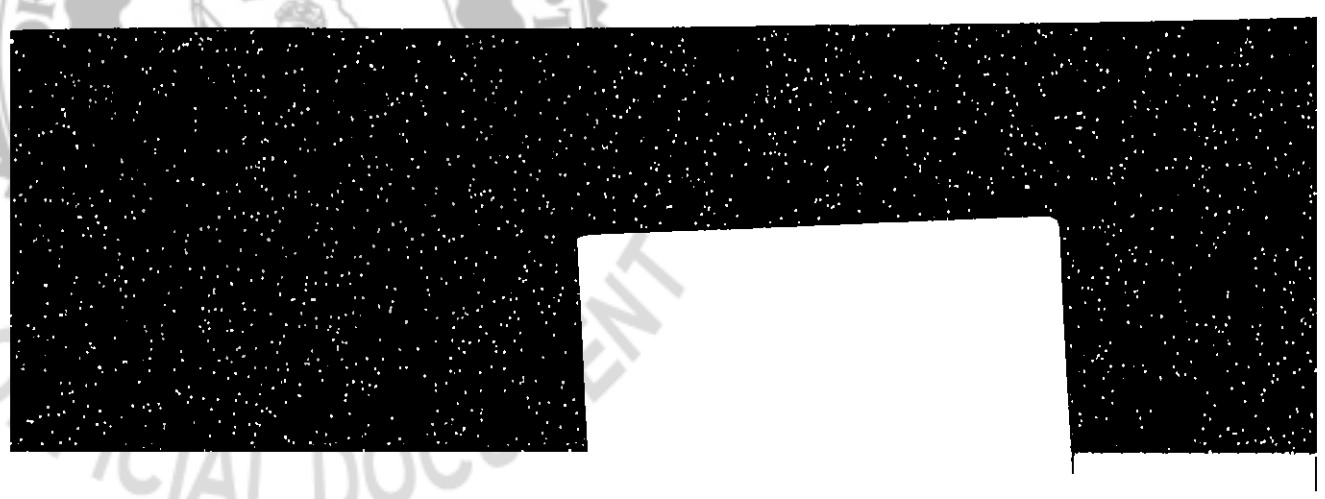

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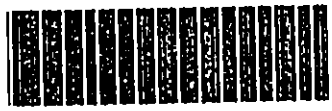

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C. The Leon County MIS Division, Trial Court Technology Officer and the Clerk of Court shall implement the following assignment procedures

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) Requests for updates to the CJIS (FDLE) statute table on weekends and holidays shall go through the On-Call Deputy Clerk.

c) 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, 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

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CLERK OF THE CIRCUIT COURT & COMPTROLLER LEON COUNTY GWEN MARSHALL
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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

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

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 presently 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.

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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 based on prior history in that division VOP's with a weight category of 80 or above shall be assigned to Divisions 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 Divisions 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

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 to50 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 transferred 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.

HISTORY

14 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

15. 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.

16 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

17 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

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

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

DONE AND ORDERED in Chambers this 21 day of October, 1999.

JANET E FERRIS
ADMINISTRATIVE JUDGE, CIRCUIT CRIMINAL

GEORGE S REYNOLDS III
CHIEF JUDGE

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CLERK OF THE CIRCUIT COURT & COMPTROLLER
LEON COUNTY
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