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04/28/2003 at 08:19 AM, BOB INZER, CLERK OF COURTS

IN THE SECOND JUDICIAL CIRCUIT OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER 2003-06

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

WHEREAS, the chief judge is charged by Florida Rule of Judicial Administration 2.050(b)(4) with the responsibility of assigning judges to the courts and divisions; and

WHEREAS, there is a desire to proportion the caseload of the Leon County Circuit Criminal Divisions;

It is **THEREFORE**

ORDERED that:

I. ASSIGNMENT OF ALL CASES (NEW, VOP'S, REOPENED, ETC.) AND THE FDLE STATUTE TABLE

A. Unless otherwise stated in this order, the Leon County Circuit Court Criminal Division caseload shall be apportioned on the basis of a weighted case assignment system.

B. Leon County circuit criminal cases shall be assigned a weighted factor according to the degree of the offense initially charged. Criminal cases shall be weighted as follows.

A, B, & C	100	Capital
A, B, & C	95	Life (including First PBL)
A, B, & C	90	First - Persons Crimes
A, B, & C	85	Second - Persons Crimes
A, B, & C	80	Third - Persons Crimes
A, B, & C	75	First - Non-Persons Crimes
A, B, & C	70	Second - Non-Persons Crimes

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A, B, & C	60	Third - Non-Persons Crimes
E	50	Third - Felony Worthless Checks
M	40	Misdemeanor - First
W	35	Misdemeanor - PWBC
N	30	Misdemeanor - Second
T	25	Traffic - Criminal/Infraction/Other
V	20	Circuit Civil
V	15	County Civil
Any/All/NA	10	County Ordinance
Any/All/NA	5	City Ordinance
A, B, & C	4	Not Charged
Z	3	Blue Writ

Shaded areas are provided for informational purposes only and are not applicable for the judicial assignment of felony cases.

C. If there is more than one count, the count with the most serious degree charged, pursuant to the Florida Department of Law Enforcement (FDLE) statute table, shall determine the division assignment. Unless otherwise specified in this order, the Leon County Management Information Services (MIS) and the Felony Division of the Office of the Leon County Clerk of Court shall implement all necessary procedures to ensure that Felony Divisions A, B and C are assigned weighted cases, within each weight category, on a proportional basis.

D. Changes and periodic updates to the FDLE statute table shall be made by the trial court technology officer, the clerk supervisors of the felony, misdemeanor and traffic divisions, and the senior deputy court administrator designated as the director of research and data, only. MIS may make changes and updates to the statute table at the request of any of the above-mentioned persons. No other users shall have the authority to update this table. Charges entered into the CJIS or JIS must conform with the FDLE statute table. Documents submitted to support a charge which contain nonconforming data shall be returned to the originating agency for correction before the data will be entered into CJIS or JIS.

II. PENDING CASES

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

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III. HISTORY

If a defendant does not have pending cases, pending VOP's or pending reopened cases, then new cases, VOP's or reopened cases shall be assigned to the division with the most recent prior history, provided that the final disposition of the prior case was within three years of the filing of the new case, VOP, or reopened case.

IV. BALANCING AND PROPORTIONING DIVISIONS A, B, AND C

A. If a defendant does not have a pending case or prior history of cases, VOP's or reopened cases, (see Section II and III above) then the assignment of new cases, VOP's and reopened cases shall be made on the basis of the counters by weight and crime category. It is the intent of this order for Divisions A, B, and C to maintain a proportioned number of cases within each weight category. For example, if in weight and crime category 95, Division A has received three (3) more cases than Divisions B or C due to pending cases or history, then Divisions B and C would receive the next six (6) cases (three cases each for Divisions B and C) with a weight 95. The goal is an equal number of assignments of new cases within each weight category for each division and not an equal number of pending cases.

B. The number of cases assigned to Divisions D and E will not be made proportionately. Rather, cases in Divisions D and E will be assigned automatically or manually by case type, e.g., felony drug court cases, worthless check cases, and statewide grand jury cases, etc.

V. CASE REASSIGNMENTS AND TRANSFERS

Cases reassigned or transferred should decrement from the appropriate weight and crime category (based on the most serious charge) of the sending division and increment to the appropriate weight and crime category (based on the most serious charge) in the division, to which the case is being reassigned or transferred.

VI. MISCELLANEOUS

A. If there are co-defendants with the same case number the assignment program shall use the first named defendant to determine if there are pending cases in Divisions A, B, or C.

B. VOP and reopened cases shall not be given any weight. However, the following three separate counters shall be established to track and report on the following types of cases: violation of probation (VOP), post conviction relief motions (motions filed pursuant to Fla. R. Crim. P. 3.850, 3.851, 3.852, and 3.853), and cases reopened for any other reason (cases previously reported as disposed that are reactivated by motions filed pursuant to Fla. R. Crim. P. 3.800, remands from an appellate court, filings as a result of an unsuccessful deferred prosecution or pretrial diversion program, filing after the defendant is declared mentally fit to stand trial, etc.).

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C. Since the FDLE statute table does not specifically identify Grand Theft by PWBC, felony drug intervention cases or statewide prosecution cases, these cases whether new, VOP or reopened will be manually reassigned by the felony clerk from Divisions A, B, or C to Division D for statewide prosecution cases or Division E for felony drug intervention and Grand Theft by PWBC cases to conform with Administrative Order 2002-20 Re: Circuit and County Court Judge Assignments, Second Judicial Circuit.

D. While Administrative Order 2002-20 Re: Circuit and County Court Judge Assignments, Second Judicial Circuit provides that Leon County Felony Division D shall be assigned all felony intake cases, under this order all felony intake cases shall be assigned to Divisions A, B, or C. However, the Felony Division of the Office of the Leon County Clerk of the Court shall calendar and schedule all felony intake cases in Division D.

E. Unless otherwise permitted by this order, cases shall not be reassigned or transferred without written approval of the presiding judge of the receiving division or the chief judge.

F. Administrative Order 2002-1 is rescinded.

G. The chief judge shall approve the effective date for implementation of any automated application which is either being developed or enhanced in order to comply with the requirements of this order.

DONE and ORDERED in chambers at Tallahassee, Leon County, Florida, this 24th day of April 2003.

William L. Gary
Chief Judge

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