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05/13/2005 at 03:01 PM, BOB INZER, CLERK OF COURTS

IN THE SECOND JUDICIAL CIRCUIT OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NO. 2005-02

IN RE: CIRCUIT AND COUNTY COURT JUDGE ASSIGNMENTS, SECOND JUDICIAL CIRCUIT

WHEREAS, rule 2.050(b)(4), Florida Rules of Judicial Administration, provides that the Chief Judge shall assign judges to the courts and divisions and shall determine the length of each assignment, it is therefore

ORDERED that the following judicial assignments shall become effective July 1, 2005, and expire at midnight, June 30, 2007, unless modified by subsequent order.

I. **LEON COUNTY**

A. **Circuit Court Criminal Division.**

Circuit Judges John C. Cooper, Jonathan E. Sjostrom, Kathleen F. Dekker, and Charles A. Francis shall be assigned to the Criminal Division and assigned all felony cases and criminal appeals from County Court, together with all pending and previously scheduled hearings and trial dates and times associated therewith, as follows:

1. **Circuit Judge John C. Cooper, Division A.**

Division A shall be assigned 33.33% of all Criminal Division cases not assigned to Divisions D and E.

2. **Circuit Judge Kathleen F. Dekker, Division B.**

Division B shall be assigned 33.33% of all Criminal Division cases not assigned to Divisions D and E.

3. **Circuit Judge Jonathan E. Sjostrom, Division C.**

Division C shall be assigned 33.33% of all Criminal Division cases not assigned to Divisions D and E.

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4. **Circuit Judge Charles A. Francis, Division D.**

   Division D shall be assigned all felony intake cases, statewide grand jury cases, and misdemeanor appeals from county court.

5. **Special Assignment, Division E.**

   County Court Judge Judith W. Hawkins shall be assigned all felony drug intervention cases and felony worthless check cases.

B. **Circuit Court Civil Division**

Circuit Judges Terry P. Lewis, Thomas Bateman III, Janet E. Ferris, and William L. Gary shall be assigned all general civil cases, a portion of the prisoner petitions and civil appeals from County Court, excluding probate and family law division cases, together with all pending and previously scheduled hearings, trial dates and times associated therewith, as follows:

1. **Circuit Judge Janet E. Ferris**

   31.25% of all general civil cases and 31.25% of all prisoner petitions by assuming the caseload assignment previously held by Judge Nikki Ann Clark.

2. **Circuit Judge Terry P. Lewis**

   31.25% of all general civil cases and 31.25% of all prisoner petitions by assuming the caseload assignment previously held by Judge P. Kevin Davey.

3. **Circuit Judge Thomas Bateman III**

   25% of all general civil cases and 25% of all prisoner petitions by assuming the caseload assignment previously held by Judge Jonathan E. Sjostrom.

4. **Circuit Judge William L. Gary**

   12.5% of all general civil cases and 12.5% of all prisoner petitions by assuming the caseload assignment previously held by Judge L. Ralph Smith, Jr.

C. **Family Law Division**

Circuit Judges Nikki Ann Clark, James C. Hankinson, L. Ralph Smith, Jr. and John E. Crusoe shall be assigned to the family law division and assigned all family law cases,

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together with all pending and previously scheduled hearings, trial dates and times associated therewith, as follows:

1. **Circuit Judge Nikki Ann Clark**

   33.33% of all family law cases and 33.33% of all juvenile dependency cases by assuming the caseload assignment previously held by Judge John C. Cooper.

2. **Circuit Judge John E. Crusoe**

   33.33% of all family law cases and 33.33% of all juvenile dependency cases by assuming the caseload assignment previously held by Judge Terry E. Lewis.

3. **Circuit Judge L. Ralph Smith, Jr.**

   16.7% of all family law cases and 16.7% of all juvenile dependency cases by assuming the caseload assignment previously held by Judge Janet E. Ferris.

4. **Circuit Judge James C. Hankinson**

   16.7% of all family law cases and 16.7% of all juvenile dependency cases and all juvenile delinquency cases by assuming the caseload assignment previously held by Judge John E. Crusoe.

5. **Special Assignment**

   County Judge Augustus D. Aikens, Jr. shall be assigned all juvenile drug intervention cases.

The family law division shall include the following categories of civil cases: dissolution of marriage, simplified dissolution of marriage, child custody, child support, URESA, domestic violence, repeat violence, name changes, adoptions, paternity suits, parental responsibility, separate maintenance, annulment, modification proceedings, juvenile dependency and juvenile delinquency.

D. **Probate Division**

1. Circuit Judge Thomas Bateman III, shall be assigned to the Probate Division and assigned all probate cases, together with all pending and previously scheduled hearings, trial dates and times associated therewith.

2. County Judge Augustus D. Aikens, Jr. is hereby assigned all Baker Act and Marchman Act proceedings with the Probate Division and is hereby designated primary backup to the probate division.

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E. **County Court Criminal Division**

County Judges Augustus D. Aikens, Jr., Timothy Harley and James O. Shelfer shall be assigned to the Criminal Division, which shall include all pending and previously scheduled hearings and trial dates and times associated therewith, and shall rotate among themselves all Misdemeanor and Traffic case dockets.

F. **First Appearances**

First appearances shall be assigned to Leon County Judges on a rotating basis as determined and assigned by the Administrative Judge of the County Court.

G. **County Court Civil Division**

County Judges Judith W. Hawkins and Donald S. Modesitt shall be assigned to the Civil Division, which shall include all pending and previously scheduled trial dates and times associated therewith, as follows:

1. **County Judge Judith W. Hawkins**

   50% of all civil cases.

2. **County Judge Donald S. Modesitt**

   50% of all civil cases.

II. **GADSDEN COUNTY AND LIBERTY COUNTY**

A. Circuit Judge P. Kevin Davey shall be assigned all circuit criminal and juvenile delinquency cases, including criminal appeals from County Court, together with all pending and previously scheduled hearings, trial dates and times associated therewith.

B. Circuit Judge George S. Reynolds, III, shall be assigned all circuit civil cases, family law cases, probate cases and juvenile dependency cases, including all civil appeals from County Court, together with all pending and previously scheduled hearings, trial dates and times associated therewith.

III. **WAKULLA COUNTY**

Circuit Judge N. Sanders Sauls shall be assigned all circuit criminal, civil, juvenile and probate cases, including all appeals from County Court, together with all pending and previously scheduled hearings, trial dates and times associated therewith.

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IV. **JEFFERSON COUNTY**

Circuit Judge L. Ralph Smith, Jr. shall be assigned all circuit criminal, civil, juvenile and probate cases, including all appeals from County Court, together with all pending and previously scheduled hearings and trial dates and times associated therewith.

V. **FRANKLIN COUNTY**

Circuit Judge William L. Gary shall be assigned all circuit criminal, civil, juvenile and probate cases, including all appeals from County Court, together with all pending and previously scheduled hearings and trial dates and times associated therewith.

VI. **MISCELLANEOUS ASSIGNMENTS**

A. **Administrative Judges**

The following judges are appointed and shall serve as Administrative Judges in the following divisions:

1. **Leon County - Circuit Court**

   a. Circuit Judge Kathleen F. Dekker - Criminal Division

   b. Circuit Judge Janet E. Ferris - Civil Division

   c. Circuit Judge Nikki Ann Clark - Family Law Division

2. **Leon County Court**

   a. County Judge James O. Shelfer is appointed and shall serve as the Administrative Judge for the County Court.

   b. This order shall not supersede other orders assigning county court judges on a temporary basis or any order assigning a county judge as a temporary backup to a circuit judge.

3. **Gadsden, Jefferson, Liberty, Franklin and Wakulla Counties**

   a. The circuit judges assigned to counties, other than Leon County, shall be responsible for qualifying the venire during their respective trial weeks.

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b. Circuit Judge Charles A. Francis shall serve as Administrative Judge in Jefferson, Liberty, Franklin and Wakulla Counties.

c. Circuit Judge Charles A. Francis shall serve as Administrative Judge in Gadsden County for all matters other than the Family Law Division.

4. **Family Law Division of the 2d Judicial Circuit**

a. Circuit Judge George S. Reynolds, III is hereby designated Administrative Judge in Gadsden County and Liberty County for the purpose of coordinating family law matters in those counties.

b. Circuit Judge William L. Gary is hereby designated Administrative Judge in Franklin County for the purpose of coordinating family law matters in that county.

c. Circuit Judge N. Sanders Sauls is hereby designated Administrative Judge in Wakulla County for the purpose of coordinating family law matters in that county.

d. Circuit Judge L. Ralph Smith, Jr. is hereby designated Administrative Judge in Jefferson County for the purpose of coordinating family law matters in that county.

B. **Collections Court**

County Judge Judith W. Hawkins shall be assigned to all Leon County Collection Court cases.

C. **Weekend and Holiday Duty**

The Trial Court Administrator shall prepare a rotation list designating a particular circuit or county judge to serve as the duty judge on holidays and weekends. The duty judge shall handle all first appearance proceedings in Leon, Franklin, Gadsden, Liberty, Jefferson and Wakulla Counties. The duty judge shall also handle any arrest warrants, search warrants, petitions for injunctions, emergency hearings or other emergency matters brought to the duty judge's attention. For the purposes of this order, the weekend shall commence at 5:00 p.m. on Friday and terminate at 8:00 a.m. on Monday. The duty judge shall be available by telephone to address emergency calls at all times during their rotation, and shall be responsible for providing

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telephone numbers (including cell phone) to the Trial Court Administrator so that the duty judge may be reached at all timers during the duty rotation.

VII. EMERGENCY MATTERS

A. Cross-Assignments

All circuit judges and county judges in Leon, Gadsden, Jefferson, Liberty, Franklin and Wakulla Counties are hereby cross-assigned to preside over any emergency within their individual counties or assignments in the circuit or county court.

B. Emergency Hearings

The following procedures shall apply when requests to schedule emergency hearings are made in the circuit criminal, civil, or family law divisions and county courts of the Second Judicial Circuit:

1. For the purpose of this order, emergency criminal, civil and family hearings shall be defined as non-routine matters which, by their nature, require the immediate action by a judge to prevent physical harm, property damage or hardship of such a critical nature that the swift intervention of the court is deemed necessary.

2. A request for an emergency hearing shall be presented in writing to the judge assigned to the case.

3. In the event that the judge assigned to the case is unavailable, the request for an emergency hearing shall be brought to the Chief Judge, or Chief Judge pro tem, to determine whether an emergency hearing is needed. For the purpose of this order, the unavailability of the judge shall mean that the judge is physically not present in the courthouse in which the emergency must be heard and will remain so for such period that necessity requires the matter to be submitted to the Chief Judge.

4. If the Chief Judge decides that the emergency requires the immediate attention of a judge, the Office of Court Administration shall be notified and a judge shall be identified to handle the emergency.

5. Only the judge identified to handle the emergency shall be permitted to resolve the emergency. If the judge assigned to the emergency is unable to rule on the emergency matter due to a conflict or any other

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reason, the Office of Court Administration shall again be contacted and another judge shall be identified to resolve the emergency.

VIII. BACK-UP AND SUPPLEMENTAL ASSIGNMENTS

A. Circuit Judges

Each circuit judge of the Second Judicial Circuit is assigned to supplement and aid the county court in the county to which the circuit judge is assigned. Each circuit judge is also authorized to supplement and aid any other judge or county judge in the circuit when the circuit judge is unavailable or otherwise requests assistance, or is assigned by the Chief Judge.

B. County Judges

Each county judge of the Second Judicial Circuit is temporarily assigned in their respective counties to supplement and aid the circuit court. However, county judges shall not be assigned to handle contested family law cases, or child support and/or enforcement cases, in their respective counties, except in an emergency or when expressly assigned by the Chief Judge. Each county judge of the Second Judicial Circuit is authorized to supplement and aid any county judge or circuit judge in the circuit when a county judge or circuit judge is unavailable or otherwise requests assistance, or is assigned by the Chief Judge.

C. Simplified Dissolution Cases

1. County judges in each of the counties of the Second Judicial Circuit shall have jurisdiction over all simplified dissolution of marriage cases.

2. For the purposes of public convenience and administrative efficiency, simplified dissolution of marriage cases may be filed in the Circuit Civil Division of the clerk's office in each of the counties of the Second Judicial Circuit, and shall be processed accordingly.

D. Jury Qualification

Leon County Judge James O. Shelfer is assigned to qualify the Leon County jurors on Friday and Monday jury selection days.

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IX. **SCHEDULING OF COURTROOMS AND HEARING ROOMS**

The scheduling of all courtrooms and hearing rooms in Leon County shall be assigned by the Office of Court Administration under the supervision of the Chief Judge.

X. **PREVIOUS ADMINISTRATIVE ORDERS**

This order shall be effective July 1, 2005, and Administrative Order No. 2005-01 Amended will be superseded and terminated on that date.

DONE and ORDERED in Chambers at Tallahassee, Leon County, Florida, this 13th day of May, 2005.

Charles A. Francis

CHARLES A. FRANCIS
Chief Judge

cc: All Circuit and County Judges, Second Judicial Circuit
All Clerks of Court, Second Judicial Circuit
Public Defender
State Attorney

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