

OUT-OF-CUSTODY PLEA PROCEDURES

FRANCIS ALLMAN, CIRCUIT JUDGE
SEPTEMBER 4, 2020 EMAIL

Good morning everyone,

I am very pleased to announce the reinstatement of felony out-of-custody plea proceedings beginning Wednesday September 9, 2020. The Courts have been very carefully monitoring the health data. Presently, the data supports reinstatement. The Chief Judge agrees and has authorized the following procedures:

Pleas will occur in Courtroom One at the Charles A. Francis Courthouse Annex (Annex), 1920 Thomasville Road. All persons entering the Annex will be subject to a health screening involving a temperature check and answering a few COVID-related questions. No one will be admitted to the Annex without passing the health screening. The courtroom and hallway areas have been marked for social distancing. Masks, gloves, clear face shields, pens, and hand sanitizer will be available.

Bailiffs from the Leon County Sheriff's Office will perform a separate security screening. The screeners will be available beginning 30 minutes prior to, and for the duration of, both the morning and afternoon sessions. Timeliness is appreciated.

Pleas can be scheduled on Monday, Wednesday, and Friday (absent court holidays). There will be a morning and afternoon docket. The morning plea docket runs from 9 am-11:30 am and is capped at 10 pleas. The afternoon docket is from 1:30 pm-5 pm and is capped at 15 pleas. However, after the first week the caps will be evaluated and possibly increased.

The Public Defender's Office will schedule pleas on Wednesdays and Fridays. Regional Conflict Counsel and the private bar will schedule pleas on Mondays. Only the defendant and defense counsel (if desired) will be admitted to the Annex. No family members or others are permitted.

The plea hearings will be conducted by a felony out-of-custody plea "duty judge." The duty judge will accept agreed-upon pleas from all felony divisions. In other words, attorneys do not need to schedule pleas with the presiding division judge. However, all aspects of the plea must be agreed-upon. If there is to be argument on any condition, e.g., adjudication or withhold, those pleas need to be specially set with the presiding division judge—likewise for "open" or "straight-up" pleas. A list of the September duty judges with Zoom meeting ID's is included at the end of this email.

To schedule a plea, attorneys will contact the assigned division judge's judicial assistant (JA). The JA will provide available plea dates. Once the parties have agreed on a plea date, defense counsel will advise the JA of the date. The JA will calendar the plea. The felony JA's have a master calendar which they will update as cases are added. This will ensure the caps are not exceeded.

Because the judge and the defendant will be in separate locations, it is defense counsel's responsibility to ensure that the duty judge has received a copy of the plea form containing the plea agreement prior to the plea date. Plea forms may be emailed directly to the duty judge's JA. The original, signed by the defendant, will be given to the deputy clerk at the Annex.

It is the State's responsibility to ensure that the duty judge has received a copy of the scoresheet prior to the plea date. Scoresheets may be emailed directly to the duty judge's JA. Naturally, if there is a dispute about the scoresheet, the plea must be specially set with the division judge.

The judge and prosecutor will appear by Zoom. Defense counsel has the option to appear by Zoom. The proceedings will be recorded digitally. There will be a deputy clerk and a bailiff in the courtroom. The deputy clerk will prepare the judgment and sentence, and the bailiff will fingerprint the defendant after the judge pronounces sentence.

NOTE: Defendants sentenced to jail or prison must be placed on administrative probation and given a date and time to self-report to the jail. This must be a part of the plea agreement and included on the written plea form.

These procedures will be under continuous review with an eye toward improvement. Suggestions are welcomed.

Finally, while Leon County currently meets the Supreme Court's benchmarks, the Court is mandated to monitor the health data and cease operations if circumstances require it.

Please forward this information to anyone not copied.

Thank you in advance to everyone for your patience and understanding as we begin this new procedure.

Judge Allman

September Felony Out-of-Custody Plea Duty Judge Roster

September 9	Judge Marsh
September 11	Judge Allman
September 14	Judge Everett
September 16	Judge Allman
September 18	Judge Carroll
September 21	Judge Allman
September 23	Judge Everett
September 25	Judge Marsh
September 30	Judge Carroll

Zoom Meeting IDs for Felony Judges:

Judge Allman – 927 5116 3277/Password: 878951 OR Call By Location: 786/635-1003 (Miami)

Judge Carroll – 291 100 4117/Password: 074227 OR Call By Location: 786/635-1003 (Miami)

Judge Everett - 919 5121 5290 – **No Password** OR Call By Location: 470/250-9358 (Atlanta)

Judge Marsh – 970 1839 8459/Password: 163940 OR Call By Location: 470/250-9358 (Atlanta)