

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR HARDEE, HIGHLANDS AND POLK COUNTIES, FLORIDA

ADMINISTRATIVE ORDER NO. 2-60.1

IN RE: COURT REPORTING SERVICES IN CAPITAL CASES

WHEREAS, Florida Rule Of Judicial Administration 2.535(i), requires that the Chief Judge in consultation with the circuit court judges in the Circuit shall enter an administrative order developing and implementing a circuit-wide plan for court reporting in all trials in which the state seeks the death penalty and in capital postconviction proceedings, it is hereby

ORDERED that effective immediately the following policies shall be complied with in cases in which the death penalty is being sought and in capital postconviction proceedings:

1. Where available, a court reporter who has the capacity to provide real-time transcription of the proceedings shall be utilized in all proceedings in the case.
2. If real-time transcription services are not available, the use of a computer-aided transcription qualified court reporter shall be utilized.
3. Where available, to expedite the finalization of the certified transcript, scopists, text editors, and/or alternating court reporters shall be utilized.
4. Reasonable restrictions on work assignments by employee or contract court reporters shall be implemented to ensure that transcript production in capital cases is given a priority.

In order to comply with the above policies, the following procedures shall be followed in all cases in which the death penalty is being sought and in capital postconviction proceedings:

1. When a jury returns a verdict of guilty as charged of first-degree murder, the trial judge shall orally instruct the court reporter to immediately begin to transcribe the trial. In addition to the trial, the trial judge shall orally instruct the court reporter(s) to immediately begin to transcribe any evidentiary hearings or non-evidentiary hearings conducted by the trial judge or other judge throughout the pendency of the case. No written order authorizing this transcription shall be required.
2. At the conclusion of a judge's sentence of death, the judge shall orally instruct the court reporter to immediately begin to transcribe the penalty phase of the trial, the *Spencer* hearing, any other hearings held after the verdict, but before the judge's sentencing hearing, and the actual sentencing hearing held by the trial judge. No written order authorizing this transcription shall be required.
3. At the conclusion of the *Huff* hearing, the 3.850/3.851 evidentiary hearing, and any other evidentiary post-conviction hearings in a case in which a death sentence has been imposed, the

judge conducting the hearing shall orally instruct the court reporter to immediately begin to transcribe the hearing(s). No written order authorizing this transcription shall be required.

4. Court reporter employees of the contract court reporters shall give priority to transcript production in capital cases, except that nothing herein shall be taken to mean that court reporters are to be paid other than the regular rates for transcription, unless otherwise ordered by the Chief Judge.

5. Court reporter employees of the contract court reporters reporting trials wherein the state is seeking the death penalty, or post-conviction hearings where the defendant has already been sentenced to death shall use reporting methods, including but not limited to, the measures set out in Rule 2.535(i)(1),(2), and (3), to ensure that transcripts are prepared expeditiously.

6. Contract court reporters must follow the dictates of Rule 2.535(i)(4) to ensure that their court reporter employees have the time to give priority to capital transcripts.

7. Costs of transcription ordered herein shall be paid as follows:

a. If the defendant takes the appeal, the costs shall be paid by the defense.

b. If the state takes the appeal, the costs shall be paid by the state.

c. If no appeal is taken, the costs shall be paid by the court.

8. This Order shall become effective immediately.

9. This Administrative Order cancels and supersedes Administrative Order 2-60.0, dated April 24, 2001.

DONE AND ORDERED on this 14th day of July, 2010.

J. DAVID LANGFORD, Chief Judge