

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT

IN AND FOR POLK COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 2-61.0

IN RE: SCHEDULING OF EVIDENTIARY PRELIMINARY HEARINGS

WHEREAS, the State Attorney's Office and the Public Defender's Office in collaboration with the Clerk of the Court and the Felony and Misdemeanor Administrative Judges have reached an agreement regarding procedures concerning adversary preliminary hearings and bond hearings in criminal cases, it is hereby

ORDERED that effective immediately the following procedures shall be complied with:

1. Defense counsel may, upon notice to the Clerk of the Court by 11:00 a.m., set preliminary hearings for the next business day. The State Attorney's Office has agreed that no objection will be made on the basis of short notice. These matters will be considered a docketing or status conference on the motion for preliminary hearing.
2. The State Attorney's Office will determine whether or not they will present evidence at the preliminary hearing. If no such presentation is to be made, that office will inform opposing counsel and the Court at the docketing hearing and the detainee will be released from custody on the charge(s) for which a preliminary hearing was sought. In those cases where the State Attorney's Office intends to present evidence, the evidentiary hearing will be scheduled five (5) working days later, or in the event of a scheduling conflict, such time as agreed to by the parties and the court, so that necessary witnesses may be subpoenaed.
3. Scheduling of bond and preliminary hearings remains unchanged and shall be as follows:
 - a. Bond motions and defense motions for preliminary hearing filed before the State Attorney's Office files an Information shall be heard in the county court.
 - b. If the State Attorney's Office files an Information and thereafter a bond motion is filed or the defense files a motion for preliminary hearing, the matter shall be heard in circuit court.
4. County Court Administrative Order No. 10 dated January 28, 1980 is hereby RESCINDED.

DONE AND ORDERED on this 28th day of June, 2001.

CHARLES B. CURRY

Chief Judge