

**IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK COUNTY, FLORIDA**

ADMINISTRATIVE ORDER NO. 2-5.7

**PROVIDING SYSTEM FOR RANDOM ASSIGNMENT
OF FELONY CASES IN POLK COUNTY**

WHEREAS, except for first-degree homicide cases and cases relating to the civil commitment of convicted sex offenders (commonly referred to as 'Jimmy Ryce' cases), the following procedures shall be followed in the assignment of cases among the Divisions of the Felony Division of the Circuit Court in Polk County, commencing upon entry of this Order, and

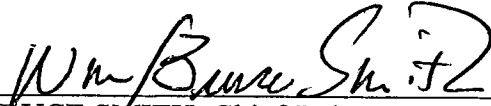
NOW, THEREFORE, it is ORDERED that:

1. There shall be as many Divisions of the Court as designated in the Administrative Orders and the amendments thereto entitled Assignment of Judges. Each judge assigned to the Felony Division shall be responsible for judicial management of all cases assigned to his or her division. After assignment, unless the judge is absent or unable to act, the cases shall be heard, tried and determined by the judge to whom it is assigned and by no other judge, except upon reassignment or substitution authorized by the assigned judge.
2. The Clerk of this Court shall, upon filing of each felony complaint, information, or indictment is filed in his or her office, build a file for each defendant and enter that information in the felony case management application. The case management application shall then randomly assign the new case to a felony division based on a "ratio between the sections" ordered from time to time by the Chief Judge of the Circuit.
3. Upon a defendant's first appearance conducted pursuant to Rule 3.130, Florida Rules of Criminal Procedure, the division assignment shall be noted on the Order Following First Appearance Hearing. If the defendant's first appearance is conducted on a Saturday, Sunday, or legal holiday, the Clerk shall, on the first work day following first appearance hearing, prepare and forward to the Office of the State Attorney and the Office of the Public Defender, a list which shall contain the defendant's name, the agency or case number assigned to the complaint, information, or indictment, and the assigned division. The division assignment shall also be noted on the file folder, when generated, and entered into the Criminal Justice Information System docket system. In those instances where a defendant does not make a first appearance pursuant to Rule 3.130, Florida Rules of Criminal Procedure, the division assignment shall be noted on the file folder, when generated, and entered into the Criminal Justice Information System docket system.
4. Pre-Trial Release Services shall cause to be generated a case history on each defendant who appears for first appearance pursuant to Rule 3.130, Florida Rules of Criminal Procedure. Said case history shall include the division assignment of any pending case[s]

and any case[s] where the defendant is on probation or community control. Prior to assigning a case to one of the divisions, the Clerk shall either display the case history, or review the case history generated by Pre-Trial Release Services, of each defendant named in the complaint, information, or indictment. If there is an open case pending against one of the defendants or if one is on probation or community control, the case shall be assigned to the division before whom the other case is pending or by whom the defendant has been placed on probation or community control. If there is more than one open pending case against a defendant, and those cases are assigned to different divisions or if there are open cases pending in different divisions against different co-defendants, the new cases shall be assigned to the division before whom the lowest numbered case is pending. If the State Attorney's Office notifies the Clerk that two or more cases involve co-defendants, the Clerk shall assign the lowest numbered case to a division and place the other cases in that same division.

5. Any new violation of law charge which is also charged as a Violation of Probation or Community Control shall be assigned to the section which handled the case where the defendant was originally placed on probation or community control. Any Violation of Probation or Community Control charged without a new violation of law shall be assigned to the judge who has been assigned the Felony VOPs pursuant to the Assignment of Judges Administrative Order entered twice a year.
6. When cases are to be consolidated, they shall be consolidated into the lowest numbered case, for hearing before the judge to whom the lowest numbered case is assigned. When the State files one information covering multiple case numbers, the cases shall be consolidated into the lowest number.
7. All first-degree homicide cases, as well as all cases relating to the civil commitment of convicted sex offenders (commonly referred to as "Jimmy Ryce" cases), will continue to be assigned to Division F9, as first set forth by Special Order, entitled "In Re: Creation of New Felony Divisions and Reassignment of First-Degree Homicide and Jimmy Ryce Cases", dated September 26, 2005.
8. This Order supersedes and cancels Administrative Order 2-5.6, dated September 1, 2009.

DONE AND ORDERED on this 2ND day of OCTOBER, 2013.



WM. BRUCE SMITH, Chief Judge

cc:
All 10th Circuit Judges
Clerk of Courts for Polk County
Court Administrator
Public Defender's Office
State Attorney's Office
Pre-Trial Services
Electronic Bar Mailing