

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT

IN AND FOR POLK COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 2-61.1

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 shall be as follows:
 - a. Bond motions in cases alleging a felony offense filed before the State Attorney's Office files an Information shall be heard by a county court judge who shall preside over the hearing in the capacity of an acting circuit court judge, pursuant to the SPECIAL ORDER titled "ADDITIONAL ASSIGNMENT OF CIRCUIT AND COUNTY JUDGES TO THE OTHER COURTS OF THE TENTH JUDICIAL CIRCUIT," then in effect.
 - b. Defense motions for a preliminary hearing filed before the State Attorney's Office files an Information shall be heard in the county court.
 - c. If the State Attorney's Office files an Information charging a Defendant with a one or more felony offenses, and thereafter a

bond motion is filed or the defense files a motion for a preliminary hearing, the matter shall be heard in the circuit court.

This Order shall have effect upon entry.

Administrative Order No. 2-61.0, dated June 28, 2001 is hereby SUPERSEDED.

DONE AND ORDERED on this 19th day of April, 2011.

J. DAVID LANGFORD

Chief Judge, Tenth Judicial Circuit



J. DAVID LANGFORD, Chief Judge

Copies furnished to:
All Circuit and County Judges
Clerk of the Court - Polk County
Electronic Bar Mailing
Office of the Public Defender
Office of the State Attorney
Office of Criminal Conflict And Civil Regional Counsel
Polk County Sheriff's Office