

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

SPECIAL ORDER

**IN RE: CREATION OF NEW FELONY DIVISIONS AND
REASSIGNMENT OF FIRST-DEGREE HOMICIDE AND JIMMY RYCE CASES**

WHEREAS, the Tenth Circuit has received two additional circuit judgeship positions, one of which will be assigned to the Felony Division in Polk County and the other which will be assigned all first degree homicide and Jimmy Ryce cases on a circuit-wide basis, and

WHEREAS, the judges of the Felony Division, in conjunction with the Clerk of the Court for Polk County, the Office of the State Attorney and the Office of the Public Defender have formulated a plan whereby cases will be assigned to those divisions, it is accordingly

ORDERED as follows:

In Polk County, effective November 1, 2005, Felony Division F6 will become a new division with the same rotating schedule as divisions F1, F2, F3, F4 and F5 as set out in [Administrative Order No. 2-50.2](#).

In Polk County, effective January 1, 2006, all first-degree homicide cases will be transferred to Felony Division F9 and all such future cases will be assigned to F9.

In Polk County, effective January 1, 2006, all cases relating to the civil commitment of convicted sex offenders, commonly referred to as "Jimmy Ryce cases" will also be assigned to F9.

In Hardee and Highlands County, the Clerks of the Court will identify and reassign all first-degree homicide cases and all Jimmy Ryce cases to a new section or sections with designation(s) to be chosen by the Clerks. All such future cases shall be assigned to those sections.

In Polk County, the Clerk of the Court shall comply with the following procedures in assigning cases to the new F6 division:

a. By November 1, 2005, every one out of six open 2005 cases from divisions F1, F2, F3, F4 and F5 will be identified and earmarked for assignment to F6 on January 1, 2006.

b. A list of all of the F6 cases will be created and provided to the Office of the State Attorney and the Office of the Public Defender.

c. Beginning with cases that have a "Date of Arrest" of November 7, 2005, the clerk's office will begin assigning new cases to Division F6 using the same procedure for assignment of cases as is presently used, except there will now be 6 (six) divisions instead of 5 (five). For example, cases with a November 7, 2006 arrest date that are assigned to F6 will have an arraignment date of November 29, 2005, a Status Conference date of January 27, 2006, a Pre-Trial Conference date of February 28, 2006 or March 1, 2006 (depending on whether the defense attorney is from the Office of the Public Defender or is a private attorney), and a Trial Block schedule of March 13, 2006, March 20, 2006, March 27, 2006 or April 7, 2006.

d. If a case that is selected for transfer to the new F6 division is accompanied by Violation of Probation (VOP) file(s), those file(s) will accompany the felony file.

e. Only the following categories of open cases will be subject to transfer to F6:

- i. All regular open cases (2005 cases only)
- ii. All confidential cases (An information has been filed, but process has not yet been served.)
- iii. No information filed (2005 cases only)
- iv. No information filed/warrant outstanding
- v. All post-conviction motions

f. If any case transferred to F6 involves co-defendants or is a case that was previously consolidated with another case, the provisions of Administrative Order No. 2-5.5, entered May 16, 2000 and titled "Providing System for Random Assignment of Felony Cases" will control.

After the initial transfer of cases, the Clerk will communicate with the administrative judge of the Felony Division who will make the determination of whether a sufficient number of cases have been transferred to F6. If the judge determines that additional transfers need to take place, the direction for such transfers will be the subject of an additional Special Order.

After the cases that are to be transferred to F6 are identified, they will continue to appear on the former division's docket until January 1, 2006. At the last pre-trial conference of 2005 for each division, the Clerk shall ensure that the new F6 cases are set on the F6 docket for the next court appearance. For example, at the pre-trial conference for F1 on either November 22, 2005 or November 23, 2005, new F6 cases will be either continued to the first pre-trial conference in 2006 for F6, which date will be either January 18, 2006 or January 19, 2006, or set for trial in the first 2006 trial block for F6 which dates are Tuesday, January 3, 2006 or Monday, January 9, 2006. The Clerk shall take whatever steps are necessary to ensure that this occurs, which may include making special markings on new F6 case files and informing the presiding judge at the last 2005 pre-trial conference that the matter is a new F6 case and should not be set on the former division docket for any further proceedings. The last pre-trial conference dates for the other felony divisions are: F2 – November 29 and 30, 2005; F3 – November 1 and 2, 2005; F4 – November 8 and 9, 2005 and F5 – November 15 and 16, 2005.

DONE AND ORDERED on this 26th day of September 2005.

RONALD A. HERRING

Chief Judge