

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT IN
AND FOR BREVARD COUNTY,
FLORIDA

ADMINISTRATIVE ORDER NO.:
19-23-B
SUPERSEDES 18-33-B AMENDED

**IN RE: JUDGES - CASELOAD ASSIGNMENTS - ASSIGNMENT OF FELONY CRIMINAL CASES IN
THE CIRCUIT COURT OF BREVARD COUNTY, FLORIDA**

A. CREATION OF DIVISIONS:

The Felony Criminal Division of the Circuit Court of Brevard County consists of six divisions designated as Criminal Divisions I, IIA, IIB, IIC, IID and IIE. One of the judges serving in the Felony Criminal Division shall be appointed as Administrative Judge by the Chief Judge of the Eighteenth Judicial Circuit.

B. RESPONSIBILITIES OF JUDGES:

The judge of each Felony Criminal division shall be responsible for the progress and conduct of all cases assigned to that division from inception to conclusion, including, but not limited to pretrial, trial, and post trial motions, and shall exercise supervision over the preparation of all calendars and dockets of cases assigned to the division. Daily initial appearances at the Brevard County Jail shall continue to be handled by the county court judges of Brevard County. Felony arraignments and second appearances shall be handled by the assigned criminal division judge, or as scheduled on an "Early Resolution" docket.

C. ASSIGNMENT OF CASES:

(1) The Clerk of the Court shall establish a "GRID SYSTEM" for the assignment of felony cases. Case assignments shall be made based upon the region of the arresting agency. The "GRID SYSTEM" shall provide for the shifting of cases from one division to another to provide a balanced caseload.

(2) The regions shall be structured as follows:

DIVISION I: NORTH REGION – All arrests that occur on and North of Camp Road to the North Brevard County line.

DIVISION II: SOUTH REGION – All arrests that occur South of Camp Road to the South Brevard County Line.

The above applies unless the arrest occurs at the Brevard County Jail and there is an open case (VOP or Substantive) then the Felony case would be assigned to the already assigned Felony Division Judge. In order to provide a balanced caseload, the "GRID SYSTEM" shall provide for the shifting of cases from one division to another. Division I cases may be shifted to Division II. Division II cases may be shifted to Division I, depending on the balance at the time of the review. The objective is for all criminal division judges to receive an equal number of cases.

- (3) Upon the filing of an initial charging document (including those charging capital offenses unless the initial charging document is an indictment) in the felony division of the Clerk's Office, the judge division assignment shall be made utilizing the following criteria:
- (a) North Region cases shall be assigned to Division I of the Criminal Department of the Circuit Court.
 - (b) South Region cases shall be assigned to Division II of the Criminal Department of the Circuit Court. These cases shall be divided equally among the five sitting felony judges (or their successors) at the Moore Justice Center and they shall be defined as IIA, IIB, IIC, IID and IIE. Substantive new cases assigned to Division II shall be allocated alphabetically by the defendant's last name (without regard to where in the South Region the arrest occurred) as follows:

E, G, M, Q, V	Division IIA
B, F, L, O, W, X, Z	Division IIB
C, I, N, P, R	Division IIC
D, K, S,	Division IID
A, H, J, T, U, Y	Division IIE
- (4) Subsequent charging documents which identify additional defendants who are charged with offenses arising from the same incident shall receive the same judge division assigned as the defendant having the lowest case number. Subsequent cases charging unrelated offenses against the co-defendant shall be assigned by the Clerk as specified in paragraph C(3) above.
- (5) Any case arising from the direct filing of a juvenile case shall be assigned as specified in paragraph C(3) above.
- (6) Violation of probation ("VOP") and violation of community control ("VOCC") cases shall be assigned as specified in paragraph C(3) above.
- (7) Capital Cases:
- (a) For the purpose of this administrative order, a "capital case" is only a case in which an indictment has been filed charging one or more defendants with first degree murder.
 - (b) When an indictment is filed that includes a charge of first degree murder the case shall be assigned/reassigned in succession to those criminal division judges who are certified by the Supreme Court of Florida to handle capital cases; or their successors shall assume their position in the rotation. If an indictment includes more than one defendant, that judge shall be "skipped" in subsequent rotation assignments equal to the number of co-defendants charged in the Indictment. If the Chief Judge wishes to be part of the rotation, he/she will so advise the Clerk and the rotation succession shall be so adjusted.
 - (c) Any judge assuming a criminal division shall take the required course on "Handling Capital Cases" before assuming the criminal division if possible, but in any event shall take the course at the earliest opportunity. Each criminal division judge shall comply with all "refresher" education requirements.
- (8) Postconviction Motions:
 Postconviction motions are defined as motions filed after the judgment and sentence have been imposed. Postconviction motions include but are not limited to motions to correct sentence pursuant to Rule 3.800(a); motions to correct sentencing errors pursuant to Rule 3.800(b), motions to reduce and modify pursuant to Rule 3.800(c); motions for correction of jail credit pursuant to Rule 3.801; motions for postconviction relief pursuant to Rule 3.850 or Rule 3.851; motions for postconviction DNA testing pursuant to Rule 3.853; and motions for rehearing regarding these motions.

(a) Capital Cases – Death Sentence Imposed:

In capital cases in which the death sentence has been imposed, the case shall stay assigned to the original sentencing judge who imposed the death sentence, whether or not that judge is still presiding in the criminal division. If the sentencing judge is recused, disqualified, retired, or otherwise no longer serving as a circuit judge, then the Clerk shall reassign the case pursuant to Paragraph C.(3). The case will be assigned to the circuit judge located in Titusville if the original offense is on or North of Camp Road. If the offense is South of Camp Road, the case will be assigned to the circuit judge located in Viera that is assigned the letter of the alphabet that matches the first letter of the defendant's last name:

Division IIA – E, G, M, Q, V

Division IIB – B, F, L, O, W, X, Z

Division IIC – C, I, N, P, R,

Division IID – D, K, S,

Division IIE – A, H, J, T, U, Y

(b) Capital Cases – Pending:

If the death sentence has not been imposed and the case is still pending and unresolved, then the capital case shall not remain assigned to the judge when the judge rotates off the criminal bench. Rather, the case shall remain in the felony criminal division to which it was assigned.

(c) All Cases in which Death was not Imposed:

For postconviction motions in all cases in which the defendant was not sentenced to death, the case shall be assigned pursuant to Paragraph C.(3). If the offense occurred on or North of Camp Road, the case will be assigned to the criminal division circuit judge in Titusville. If the offense occurred South of Camp Road, the case will be assigned to the circuit judge located in Viera that is assigned the letter of the alphabet that matches the first letter of the Defendant's last name:

Division IIA – E, G, M, Q, V

Division IIB – B, F, L, O, W, X, Z

Division IIC – C, I, N, P, R,

Division IID – D, K, S,

Division IIE – A, H, J, T, U, Y

(9) Felony Mental Health Court:

In a felony case, when a Defendant is found incompetent due to Mental Illness, Intellectual Disability or Autism, Civilly Committed as a Sexual Predator or found Not Guilty by reason of Insanity, the case is transferred to the Judge assigned to Felony Mental Health Court and set on the next available Mental Health Status Review Hearing docket. All subsequent proceedings shall be held before the Felony Mental Health Court Judge. If the Defendant shall later be determined to be competent by the Felony Mental Health Court Judge, the case shall be reassigned as set forth above in Paragraph C.(3).

(10) The clerk shall make adjustments in the "GRID SYSTEM" assignments based upon the following occurrences:

- (a) Filing case reduced to a misdemeanor
- (b) State Attorney action "Nolle Prosequi"
- (c) State Attorney action "No File"
- (d) Entry of an Order changing venue from Brevard County
- (e) Entry of any Order of re-assignment

The Clerk is ordered to monitor the balance of case assignments on a quarterly basis, report the findings to the Chief Judge with a copy to each of the judges in the criminal department, and make any necessary adjustments in accordance with the criteria established in this Administrative Order to ensure a balanced case load among the Divisions. The Felony Division judges will meet semi-annually to recommend equalization adjustments to the Chief Judge. The Clerk shall promptly report any difficulties in maintaining a balanced caseload to the Chief Judge.

- (11) Nothing in this Administrative Order prohibits the assigned circuit judges from transferring or adjusting particular case assignments in the interests of justice and judicial economy. For defendants with multiple cases assigned to multiple divisions, a transfer or reassignment is not necessary to effectuate a plea resolution of all cases in one division.

D. DUTIES OF ADMINISTRATIVE JUDGE:

The Administrative Judge of the Criminal Division, in addition to those duties specifically assigned herein, shall be responsible for the general supervision of that department and shall perform those administrative duties necessary to its efficient and effective operation in conformity with the applicable policies, procedures and rules governing the administration of that department as contemplated by Rule 2.215(b)(5), Florida Rules of Judicial Administration.

- E.** This Administrative Order takes effect upon the signing date below. The Clerk of the Court is directed to modify its procedures as necessary to implement this Order.

DONE AND ORDERED this 23rd day of April, 2019.

TONYA RAINWATER
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CHIEF JUDGE

Distribution:
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