

SCOTT ELLIS

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

2013 NOV 27 A 10:56

FILED IN VIERA-80
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BREVARD CO. FL.

CASE NO. 05-2013-CF-64037-CXXX-XX

STATE OF FLORIDA,
Plaintiff,

vs.

ROSE HARR,
Defendant.

**ORDER GRANTING, IN PART, DEFENDANT ROSE HARR'S
MOTION FOR DISQUALIFICATION
OF JUDGES OF THE EIGHTEENTH JUDICIAL CIRCUIT**

THIS CAUSE came before the Court upon Defendant Rose Harr's Motion for Disqualification of Judges of the Eighteenth Judicial Circuit, filed on November 15, 2013. The law and procedure concerning such motions is clear:

Florida Rule of Civil Procedure 1.432, which sets forth the procedural aspects of the disqualification process, provides:

(d) Determination. The judge against whom the motion is directed shall determine only the legal sufficiency of the motion. The judge shall not pass on the truth of the facts alleged. If the motion is legally sufficient, the judge shall enter an order of disqualification and proceed no further in the action.


This Court does not pass on the truth of the facts alleged. Since the motion is legally sufficient as to Brevard County judges, it must be granted without a consideration of the truth of the contents therein. The motion is not legally sufficient as to Seminole County Judges.



Accordingly, it is **ORDERED AND ADJUDGED**:

1. The Defendant Rose Harr's Motion for Disqualification of Judges of the Eighteenth Judicial Circuit is **GRANTED** as to Brevard County Judges.
2. The Defendant Rose Harr's Motion for Disqualification of Judges of the Eighteenth Judicial Circuit is **DENIED** as to Seminole County Judges.
3. This matter is referred to the Chief Judge for reassignment.

DONE AND ORDERED in Viera, Brevard County, Florida, this 27th day of Nov, 2013.



DAVID DUGAN
CIRCUIT JUDGE

CERTIFICATE OF SERVICE

I do certify that copies hereof have been furnished to the Office of the State Attorney, 2725 Judge Fran Jamieson Way, Building D, Viera, Florida 32940 and the Office of Court Administration, by courier, and Mark Horwitz, Esq., Attorney for the Defendant, 17 East Pine Street, Orlando, Florida 32801-2607, by U.S. mail, this 27 day of Nov., 2013.



Judicial Assistant
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