

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



<http://www.flcourts18.org>

CRIMINAL DIVISION OPERATIONS AND POLICY MANUAL
Including Administrative Orders and Forms

JANUARY 1, 2011

TABLE OF CONTENTS

Criminal Division Directory.....3
Organization.....4
Publications.....4
Courthouse Security.....4
Schedule and Vacations.....5
First Appearances.....5
Arraignments.....5
Docket Sounding.....5
Continuances.....6
Scheduling Conferences.....6
Pretrial Motions.....6
Plea Negotiations and Plea Offers.....6
Pleas in Private Counsel Cases.....7
Sentencing Hearings.....7
Jury Selection.....7
Conduct of Counsel and Defendants Not Represented By Counsel.....7
Victims of Crime.....8
Restitution.....9

FORMS AND ADMINISTRATIVE ORDERS:

Plea Agreement..... 10
Admission of Violation of Probation/Community Control 13
Administrative Order No. 09-27-S (Case Assignments - Extract).....15
Administrative Order No. 09-06 (Courtroom Decorum)..... 18
Administrative Order No. 11-33-S (Bail Schedule) 21

CRIMINAL DIVISION DIRECTORY

Judge Marlene M. Alva	407-665-4926
(Administrative Judge)	
Judicial Assistant - Collette Colegrove	407-665-4926
Judge Donna L. McIntosh	407-665-4993
Judicial Assistant - Deloris Pickens	407-665-4993
Judge Debra S. Nelson	407-665-4996
Judicial Assistant - Tina Cannavino	407-665-4996
Judge Jessica J. Recksiedler	407-665-4939
Judicial Assistant - Jacquelyn Kirchner	407-665-4939
Wayne Fountain - Sr. Deputy Court Administrator	407-665-4209
Sue Block – Court Operations Manager	407-665-4916
Courthouse Security - LT Anthony Fannin (On military leave)	407-665-6282
- SGT Dwayne Kvalheim (Acting Supervisor)	
CRIMINAL DIVISION FAX NUMBER	407-665-4992

1. Organization

Four circuit judges are assigned to the criminal division. Original cases which are not capital cases are assigned by computer equally on a random basis. Capital cases and "Jimmy Ryce Act" cases are assigned randomly on a separate computer program. Other cases, such as violations of probation and motions for post-conviction relief, are assigned pursuant to Administrative Order No. 09-27-S Amended. Assignments of Writs of Mandamus, Certiorari, and Prohibition arising out of criminal charges in the county court of Seminole County are assigned by the Criminal Division Administrative judge.

The Criminal Division Administrative Judge is responsible for criminal division operations, including maintaining the caseload distribution, maintaining the roster of registry conflict attorneys, preparation of the Criminal Division Master Calendar, preparation of the Jury Qualification Roster, publication of the Operations Manual and reassignment of cases in which a judge has recused or has been disqualified. Writs of Mandamus, Prohibition, and Certiorari arising out of criminal cases in the Seminole County Court are assigned by the Criminal Division Administrative Judge. The Criminal Division Administrative Judge also acts as liaison with the other components of the criminal justice system, including the Clerk and Sheriff, and assists the Chief Judge to carry out matters of policy.

The Criminal Court Operations Committee is composed of Circuit and County Court Judges appointed by the Criminal Division Administrative Judge. This committee regularly meets to discuss organizational and procedural problems and recommend changes in procedure.

The Clerk of the Court is responsible to maintain and coordinate the trial dockets of the four judges. Judicial Assistants do not prepare or control trial dockets.

Courtrooms are assigned as follows:

Courtroom 1B	Unassigned
Courtroom 5A	Judge Debra S. Nelson
Courtroom 5B	Judge Marlene M. Alva
Courtroom 5C	Judge Donna L. McIntosh
Courtroom 5D	Judge Jessica Recksiedler
Courtroom J-1	Located at the Jail

Additionally, some judges use Courtroom 1A for docket soundings and arraignments and some of these proceedings are conducted at the courtrooms located at the jail. The jail courtroom is located in the John E. Polk Correctional Facility, 211 Bush Boulevard, Sanford, Florida, which is directly behind the Criminal Justice Center. In-custody arraignments are conducted in Courtroom J-1 on Tuesday mornings beginning at 8:30 a.m. In-custody docket soundings are conducted in Courtroom J-1 on Wednesday afternoons beginning at 1:30 p.m.

2. Publications

Publications, including updates of this manual, the Seminole County First Appearance Manual, Administrative Orders, materials on criminal justice issues, and general notices may be obtained on the court's web site at <http://www.flcourts18.org>.

3. Courthouse Security

The Seminole County Criminal Justice Center has security provided by the Sheriff.

Courthouse security has been designed to give maximum protection to the public with minimum inconvenience. Magnetometers are installed at each courthouse entrance and all persons entering the courthouse, including attorneys, are screened for weapons prior to gaining admittance. This procedure can cause a short delay on busy mornings, especially between 8:00 a.m. and 9:00 a.m., and attorneys are advised to plan to arrive a few minutes in advance to avoid being late for scheduled proceedings.

No person other than authorized security personnel and sworn law enforcement officers are allowed to introduce weapons or firearms into the courthouse.

All persons are requested to cooperate with security personnel. They are under specific instructions for the purpose of providing a safe environment for members of the public who have business with the courts as well as court personnel and employees.

4. Schedule and Vacations

The four criminal division judges operate on a four week interlocking cycle with two weeks of hearings followed by two weeks of trials. The schedules have been prepared in advance and copies are available upon request through the Court Administrator's office. Two of the criminal division judges will be on vacation during the first two weeks in July and the other two judges will be on vacation during the last two weeks in July. The criminal division will be closed, except for emergencies, during the last two weeks of December.

5. First Appearances

First appearance judges have authority in most cases to determine matters of pretrial release from arrest until arraignment. The bail schedule is contained in Administrative Order No. 08-03-S (2nd Amended). A First Appearance Manual has been prepared for use by first appearance judges, attorneys, and court personnel and it is published at the court's web site at flcourts18.org under "Local Practice Manuals."

6. Arraignments

Arraignments are scheduled in each of the four divisions on Tuesday every fourth week at the Criminal Justice Center or the court facility in the John E. Polk Correctional Facility, which is located behind the Criminal Justice Center. Each criminal division judge presides over arraignments in cases assigned to that division. All notices for arraignment are for 8:30 a.m. The notice for arraignment will state the place for the arraignment in out-of-custody cases. Arraignments for defendants who are in custody begin at 8:30 a.m. in the courtroom at the John E. Polk Correctional Facility. Arraignments for out-of-custody cases begin at 1:30 p.m. in Courtroom 1A at the Criminal Justice Center. It is advisable to arrive at least fifteen minutes early for arraignments to avoid delay in gaining entrance to the appropriate court facility.

Resolution of cases before arraignment is encouraged by the court and the State Attorney. The assistant state attorney in charge of arraignments may be reached at 407-665-6411 to discuss pre-arraignment resolution of cases.

7. Docket Sounding

Docket Soundings are scheduled for each of the criminal divisions on Wednesdays every fourth week. Judges McIntosh and Recksiedler begin docket sounding at 8:30 a.m. and Judges Alva and Nelson begin docket sounding at 9:00 a.m. for defendants who are out-of-custody. All of the judges begin docket sounding at 1:30 p.m. for defendants who are in-custody. Private counsel cases are called first. A sign-up sheet is used to determine the order in which private counsel cases are called. Defendants are

required to attend docket sounding unless excused by written waiver. Defendants who are out of state, who reside a great distance from Seminole County, who are hospitalized, or are incapacitated, may be provisionally excused from docket sounding by defense counsel. The court will give defense counsel a reasonable time to produce the defendants who are provisionally excused prior to issuing a bench warrant for failure to appear.

8. Continuances

Motions for continuance must strictly comply with Rule 2.085(e) or be made orally on the record in open court. First time continuances from docket sounding are usually granted unless it appears that the motion is for the purpose of delay or not made in good faith. Cases which are continued may be reset for a trial week instead of another docket sounding. If that occurs counsel are expected to be available and ready for trial by the trial date.

9. Scheduling Conferences

Cases which are set for trial may be set for scheduling conference. The scheduling conference date is the first day of the trial period and bonds are returnable at that time. Defendants and counsel must be present at the scheduling conference unless excused by the court. Counsel is not authorized to waive the defendant's presence in writing for the scheduling conference. Counsel should be prepared to discuss the following issues at the scheduling conference:

- a. Availability of witnesses
- b. Order of selection of juries;
- c. Order of trial;
- d. Settlement possibilities;
- e. Evidentiary problems which need the attention of the judge;
- f. Length of trial;
- g. Jury instructions other than standard instructions.

10. Pretrial Motions

Pretrial motions, except motions in limine, must be heard prior to the scheduling conference or, if there is no scheduling conference, prior to jury selection. Motions may be scheduled for hearing through the presiding judge's judicial assistant.

11. Plea Negotiations and Plea Offers

Resolution of criminal cases is encouraged by the court. The judges follow Rule 3.171 and will approve plea agreements when appropriate. All plea agreements are provisionally accepted when made subject to review of presentence investigations, evaluations, score sheets, and other relevant matters. If the court cannot accept a plea as tendered, it may be withdrawn upon motion of counsel and the case will be set for trial.

All plea offers must be delivered to defense counsel and communicated to the defendant prior to the scheduling conference, or the jury selection date if there is no scheduling conference.

All plea agreements must be in writing in the form approved by the court unless the presiding judge specifically authorizes another method. **The approved plea forms, in English, are included at the end of this manual. Spanish plea agreement forms are available in each courtroom.**

12. Pleas in Private Counsel Cases

Private counsel cases which have been resolved may be scheduled for a plea hearing on a motion calendar, at docket sounding, at the scheduling conference, or during a trial week, if approved by the presiding judge. The presiding judge's judicial assistant should be contacted to schedule a plea on a hearing calendar.

13. Sentencing Hearings

Sentencing hearings are set according to the schedule of the presiding judge. All sentencing hearings on a sentencing docket are scheduled for the same time. Private counsel cases are generally taken first. Routine sentencing hearings should take no more than ten to fifteen minutes. Cases which are going to require the appearance of experts or numerous witnesses (except cases involving sentencing enhancements such as habitual offenders) should be scheduled for a specific sentencing date with the presiding judge in open court at the time when the sentencing date is set.

14. Jury Selection

All juries are selected on Monday morning of the trial week. All attorneys and defendants are expected to be present for trial by 8:30 a.m. The presiding judge will normally review the docket for last minute adjustments at that time.

Defense counsel shall make arrangements to provide civilian clothing to defendants who are in custody prior to jury selection so that dressing for trial will not cause delay.

Normally, fourteen jurors will be initially called to the jury box for voir dire. Attorneys are expected to conduct voir dire in a professional manner without wasting time. The presiding judge will not tolerate attempts to curry favor with jurors. Questions which do not touch upon a juror's qualifications to serve or the issues in the case will not be allowed. Questions should be designed to solicit an answer that will assist in deciding if the juror should be challenged either peremptorily or for cause and not for reasons of idle curiosity. For instance, spare time activities, reading habits, and bumper sticker preferences are not normally a valid subject of inquiry. Direct questions such as "Do you belong to the N.R.A.?" instead of "Do you have any bumper stickers on your automobile?" get to the issue at hand instead of soliciting an answer which may have nothing to do with the case.

Counsel are prohibited from suggesting to a juror that voir dire can be conducted individually at the bench without the express permission of the Court.

Jurors will be excused from the courtroom before the jury selection begins. The presiding judge will alternate between counsel asking them to accept or challenge jurors. The State Attorney will be requested to accept or challenge the first juror. This procedure will be continued until a jury is selected. Back strikes are allowed until the jury is sworn. Most juries are sworn immediately after selection to avoid last minute back strikes and delays.

Responsibility for preparation of jury instructions is upon the party requesting the instruction unless the presiding judge orders otherwise. Jury instructions shall be in 12 point type with Times New Roman font and follow the format of the Standard Jury Instructions in Criminal Cases.

15. Conduct of Counsel and Defendants Not Represented By Counsel

Attorneys and defendants not represented by attorneys are expected to comply with the standards set forth in the Administrative Order governing Courtroom Decorum and Procedure, a copy of which is included at the end of this manual.

16. Victims of Crime

Victims of crime or their lawful representatives, including the next of kin of homicide victims, are entitled to the right to be informed, to be present, and to be heard *when relevant* at all crucial stages of criminal proceedings to the extent that these rights do not interfere with the constitutional rights of the accused. Art. I, Sec. 16(b), Fla. Const.

The State Attorney is the officer who is responsible by law to answer questions of procedure and to give victims assistance. Judges are not authorized to speak with victims about cases pending before them. The State Attorney is responsible to advise victims not to communicate with individual judges for any reason except through a victim impact statement or when recognized in open court.

The State Attorney is required to consider the views of victims in matters concerning pretrial release, plea agreements, pretrial diversion, and sentencing options. However, it is the sole responsibility of the State Attorney to direct the prosecution of a case. Judges will not review these decisions for the purpose of interfering with the State Attorney's duties.

Most victim participation in actual court proceedings focuses on the sentencing process. Victims have the right to submit to the court an impact statement authorized by F.S.

921.143. The judges prefer impact statements to be in writing under oath and submitted to the presiding judge by the State Attorney at least three business days prior to sentencing. Due to time limitations, live testimony will not be permitted at sentencing unless the State Attorney files a motion requesting a specific sentencing date. The motion must show the amount of time estimated for the hearing and specifically state the reason why a written impact statement is insufficient. The motion must be scheduled for hearing prior to sentencing. Victims who make oral impact statements shall testify under oath in open court.

The State Attorney has the responsibility to assist in the preparation of the impact statement. The impact statement must relate solely to the facts of the case and be designed to assist the court in determining issues before it at sentencing. The statement should be direct and concise.

Examples of relevant information include the following:

- a. Extent of injuries.
- b. Medical treatment plan (provider should submit estimate of future costs).
- c. Cost of medical treatment (medical bills should be attached).
- d. Social or psychological harm.
- e. Financial loss and loss of earnings (must be documented).
- f. Special conditions of probation requested such as provision for no contact with the victim.

Information which is not relevant in an impact statement and which shall not be submitted in writing or orally includes:

- a. Statements designed to chastise or humiliate the defendant.
- b. Statements which are for the purpose of advancing a political, social, or religious belief or cause.
- c. Statements which are more appropriate for a press conference or support group.
- d. Statements which contain speculation about future events such as pardon or parole.
- e. Statements which recommend or suggest a sentence.

The State Attorney must review all written victim impact statements prior to submitting them to the presiding judge. Victim impact statements which contain irrelevant, impermissible, inappropriate, or inflammatory matters may not be considered by the presiding judge.

Victim impact statements shall not contain statements or recommendations which contradict the terms of a plea agreement approved by the State Attorney. Any objections by a victim to a proposed plea agreement must be made in open court at the plea hearing prior to the acceptance of the plea. Objections which express disagreement with the State Attorney's legal or evidentiary analysis in a case or which

express general dissatisfaction with any aspect of Florida law will not be entertained by the presiding judge.

Victim impact statements are not relevant to any sentencing issue and shall not be submitted when the plea agreement is for only a straight jail or prison sentence without supervision to follow, or in cases where the judge has no sentencing discretion.

Photographs, medical charts, statements of third parties, and oversized exhibits shall not be submitted in an impact statement without prior authorization from the presiding judge upon motion filed by the State Attorney and noticed for hearing prior to submission of the impact statement. All exhibits (medical bills, statement of lost earnings, etc.) shall be on 8 ½" x 11" plain white paper or neatly taped to such paper and shall be numerically marked for reference.

17. Restitution

It is the responsibility of the State Attorney to provide the presiding judge with evidence establishing the amount of restitution due to a victim. This evidence need not be admissible as a business record [F.S. 90.803(6)], but shall include (1) copies of medical or repair bills, (2) employer's statement of lost earnings, (3) appraisal value of lost or destroyed property, and (4) owner's affidavit of value with facts which would establish the owner's ability to establish value. The evidence shall be submitted to the Department of Corrections, Probation & Parole Services within fifteen days after a presentence investigation report is ordered. If no presentence investigation is ordered, the evidence shall be submitted to the presiding judge at the sentencing hearing. Copies of all bills, statements, or affidavits used to establish the amount of restitution shall be provided to counsel for the defendant at the time of sentencing or prior thereto. Defendants who disagree with the documents submitted to establish the amount of restitution or the defendant's ability to pay restitution may request a restitution hearing.

Restitution hearings are scheduled at a time other than during a regular sentencing docket and are evidentiary hearings. The State Attorney shall be responsible to produce witnesses, including custodians of records, at the restitution hearing unless the parties stipulate otherwise in writing, before a court reporter or on an electronic recording device.

The State has the burden to show from the record that the trial judge did not rely upon impermissible considerations in passing sentencing. *Epprech v. State*, 488 So.2d 129 (Fla. 3d DCA 1986); *Reese v. State*, 639 So.2d 1067 (Fla. 4th DCA 1994).

STATE OF FLORIDA

PLEA AGREEMENT
(Rule 3.171)

The undersigned defendant withdraws the previously entered plea(s) of not guilty and tenders a plea of

() guilty, () no contest as follows:

Case Number	Offense	Maximum Sentence	Minimum Mandatory Sentence
-------------	---------	------------------	----------------------------

If my plea is guilty, I hereby acknowledge that I am in fact guilty of the foregoing offenses. When asked by the Judge, I will provide a factual basis to support my plea. If my plea is no contest, I believe such plea is in my best interest and recognize that the Judge will find me guilty after being provided a factual basis.

The State of Florida and I have agreed upon the following sentence to be imposed as a condition of this plea:

Case Number	Offense	Sentence
-------------	---------	----------

I understand that if probation is a part of my sentence that the court may impose conditions of probation authorized by law, including restitution and public service and, unless conditions are specifically attached hereto, those conditions are by this agreement left to the discretion of the court. I further understand that statutory costs may be imposed as a part of my sentence unless those costs are waived by the court.

I have the right to plead not guilty and to be tried by a jury with the assistance of a lawyer, the right to compel attendance of witnesses on my behalf, the right to confront and cross examine witnesses against me, the right to present defenses to the jury, and the right to take the witness stand and testify on my own behalf. I also have the right not to take the witness stand and cannot be compelled to incriminate myself. I

give up these rights by entering this plea. I understand that if I enter a plea without reserving the right to appeal, I will give up my right to appeal all matters relating to the judgment, including the issue of guilt or innocence except for the limited review available by collateral attack. I also give up my right to appellate review on any pretrial rulings made by the court unless such right is specifically reserved in this agreement.

I understand that I may be asked questions by the Judge under oath about this plea and that my answers, if untruthful, may be used against me later in a prosecution for perjury.

I enter this plea freely and voluntarily. No person has forced, threatened or coerced me into entering this plea.

I am satisfied with the representation my lawyer has given me and I have fully discussed my case, including any defenses I may have, and the contents of this agreement.

I have discussed the physical evidence that may be available in my case with my lawyer, including physical evidence that may tend to prove I did not commit the crime(s) charged, such as DNA evidence. I am satisfied there is no such evidence in my case or I hereby waive any claim of innocence that may be established by the physical evidence, including DNA testing.

I am relying upon no promises or assurances except as contained in this agreement.

I understand that if I enter a plea to a felony offense or a sex offense I must register as a convicted felon or as a sex offender as required by law. If I am pleading to a sex offense, I have been advised by my lawyer that my liberty may be restricted, including but not limited to, where I may live, where I may work and with whom I may have contact.

I understand that if I am pleading guilty or no contest to a sexually violent offense or a sexually motivated offense, or if I have previously been convicted of such an offense, I may be subject to involuntary civil commitment as a sexually violent predator upon completion of any prison sentence.

I understand that if I am not a United States Citizen, entry of this plea may subject me to deportation by the United States Immigration Service.

I understand that if the offense to which I am entering a plea is one for which automatic mandatory driver's license suspension or revocation is required by law to be imposed either by the court or by a separate agency, my plea will provide the basis for the suspension or revocation of my driver's license.

I do not suffer from any physical or mental disabilities to the degree that I am incapable of understanding this agreement, the nature of the proceeding against me, or assisting my lawyer in my behalf. I am not under the influence of alcohol or any drug at this time.

I hereby give up my right to a speedy trial.

If I am not in custody, I acknowledge that part of the plea agreement in this case includes my continued release pending sentencing on bond, pretrial release, or release on recognizance. I understand that this portion of the plea agreement is conditioned upon the following requirements:

(1) If a presentence investigation has been ordered, I must appear at the Department of Corrections office as directed by the court and schedule a presentence investigation not later than the first business day following the entry of my plea.

(2) I must obey the order of the court requiring me to undergo drug or alcohol screening or for other evaluation if such an order has been made in my case.

(3) I must appear on time for all appointments with the assigned probation officer and not be under the influence of any illegal drugs or alcohol.

(4) I must appear in court on time for sentencing and not be under the influence of any illegal drugs or alcohol.

I realize that this agreement will be provisionally accepted upon entry of my plea and is subject to being accepted or rejected by the Judge at any time prior to the sentence being imposed, and if it is rejected for any reason other than for a breach of this agreement, I may withdraw my plea and go to trial.

I acknowledge receipt of a copy of the notice for my sentencing date. I understand and agree that if I fail to comply with any of the conditions set forth above I will have breached my plea agreement. In that event, I will not be allowed to withdraw my plea and the Judge may sentence me to any sentence authorized by law for the offense(s) to which I have pled.

Assistant State Attorney

Defendant

Date of birth: _____ Age: _____

CERTIFICATE OF ASSISTANT STATE ATTORNEY

I hereby certify that I have disclosed items of physical evidence which may be favorable to the defendant, including any possible DNA evidence, by list or description or this information will be disclosed at the time of entry of the plea.

Assistant State Attorney

Fla. Bar No. _____

CERTIFICATE OF DEFENSE ATTORNEY

I certify that I have fully discussed this case and this plea agreement with the defendant including the nature of the charges, their elements, the evidence of which I am aware, any possible defenses, the maximum and minimum penalties which may be imposed, the probable guideline range and the defendant's right to appeal. I am not aware of any DNA testing that may exonerate the defendant.

Counsel for Defendant

Fla. Bar No. _____

SWORN TO, SIGNED AND FILED IN OPEN COURT, IN MY PRESENCE AND PROVISIONALLY ACCEPTED BY ME THIS DAY OF , 20 .

CIRCUIT JUDGE

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

STATE OF FLORIDA

v.

CASE NO.

Defendant.

ADMISSION OF VIOLATION OF PROBATION/COMMUNITY CONTROL

I hereby withdraw my not guilty, and admit violating condition(s) of my probation/community control order(s):_____. I am on probation or community control for the following offenses:_____which carry the total maximum penalty of _____.

By entering this admission, I give up the right to a trial without a jury, to see and hear the witnesses testify, to have my lawyer question the witnesses, to subpoena witnesses on my behalf, to testify or remain silent, except I can be called to testify about any non-criminal violations, to require the prosecutor to prove my guilt by admissible evidence to the satisfaction of the judge and my right to appeal any matters except the legality of my sentence and the jurisdiction of the court. My lawyer has explained that entering this plea will severely restrict my right of appeal to matters involving the authority of the Court to proceed and the legality of any sentence imposed.

I understand that if the court accepts my admission(s) of violating my probation or community control there will be no trial and the judge can put me back on supervision with the same or new conditions or my supervision can be revoked and I can be sentenced up to the maximum sentence authorized by law.

I have read the violation affidavit or it has been explained to me by my lawyer and I understand the violation(s) to which I am admitting. My lawyer has explained any defenses I may have to the violation(s) and I give up my right to present any defenses.

I understand that if I am on probation or community control for a felony, entering this plea will increase the points on my score sheet by a minimum of six points and I may be required to serve a prison sanction in the Department of Corrections.

No one has threatened or coerced me to enter this admission. No one, including the prosecutor, my lawyer or the judge has promised me any particular sentence except as set forth below or stated in open court:

The prosecutor, my lawyer, and I have agreed as follows:

The judge has agreed as follows:

I understand that if I am allowed to remain out of custody prior to sentencing, this plea is conditioned upon the following requirements:

1. I must appear at the Department of Corrections office not later than 2:00 P.M. on the first business day following the entry of this plea if a presentence investigation has been ordered in my case. I must return

to that office as instructed until my presentence investigation is completed.

2. I must obey the order of the court requiring me to undergo drug or alcohol evaluation or for other evaluation if it has been ordered in my case.
3. I must appear on time for all appointments with the assigned probation officer and any evaluator and not be under the influence of any drugs or alcohol.
4. I must appear on time for sentencing and not be under the influence of any drugs or alcohol.
5. I must remain under the supervision of the Department of Corrections until my sentencing date and obey all lawful orders given to me by my supervising officer.

I realize this agreement is subject to final acceptance or rejection by the judge at the time of sentencing and if it is rejected for any reason, other than for a breach of this agreement, I may withdraw my plea and have my violation(s) set for trial without a jury. I acknowledge receipt of a copy of the notice of my sentencing date. I understand and agree that if I fail to comply with any of the five (5) conditions set forth above I will have breached my plea agreement. In that event, I will not be allowed to withdraw my plea, the sentencing guidelines will not apply and the judge may sentence me to any sentence up to the maximum sentence authorized by law for the violation(s) to which I have admitted.

 Defendant Date
 of Birth _____

Sworn to, signed and filed in open court, in my presence and accepted by me this _____ day of _____, 20____ .

 Circuit Judge

Certificate of Defense Attorney

I certify that I have fully discussed this case and this plea agreement with the defendant including the nature of the violation(s), the defendant's right to a hearing, the evidence against the defendant of which I am aware, and the maximum penalty which may be imposed for the violation(s), the applicable sentencing guidelines and the right to appeal. No promises have been made by me except as are set forth in this agreement or on the record in open court. I believe the defendant fully understands the nature and consequences of this plea.

 Counsel for the Defendant

Certificate of Prosecutor

I agree to the condition(s) admitted and the sentence set forth above.

 Prosecuting Attorney

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

**ADMINISTRATIVE ORDER NO: 10-31-
S
SUPERSEDES 09-27-S AMENDED
EFFECTIVE JANUARY 1, 2011**

IN RE: JUDGES - DIVISION AND CASE ASSIGNMENTS (EXTRACT)

The resident Circuit Judges of Seminole County have determined that it is in the best interest of the litigants, attorneys and judges that so far as possible that cases remain with the judges originally assigned for better understanding, efficiency, and savings of time for all involved. Accordingly,

IT IS ORDERED:

1. Criminal Division (CF)

A. Organization: The criminal division shall be comprised of Divisions A, E, J and M. All original cases presently assigned to one of those divisions in the clerk's computer shall remain assigned to that division unless the Administrative Judge of the Criminal Division shall order otherwise in a particular case. The Administrative Judge of the Criminal Division shall be responsible for criminal division operations including, but not limited to, maintaining approximately equal caseload distribution among the various criminal divisions, publication of the Criminal Division Operations Manual, reassignment of cases in which a criminal division judge has recused or been disqualified, and acting as liaison with other components of the criminal justice system. The Criminal Division Judges shall be assigned secondarily to cases assigned to other judges in the division for the purpose of backing up other judges by taking pleas, ruling on motions, scheduling matters, conducting trials and sentencing defendants in cases over which the back-up judge tried. All judges in the Criminal Division may act in the absence of the judge who is assigned to a case.

B. Assignment of Original Informations: Original informations and indictments (except for Capital and Jimmy Ryce cases) shall be randomly assigned so that the four (4) criminal divisions are each assigned to 25% of the cases. Informations filed directly (before the defendant is taken into custody) shall initially be assigned to Division N. These cases shall be reassigned by the clerk in accordance with this paragraph when the defendant is taken into custody.

- C. Assignment of Multiple Defendant Cases:** Informations naming multiple defendants shall be assigned to the first judge assigned to the case.
- D. Assignment of First Degree Murder and Jimmy Ryce Cases:** First degree murder and Jimmy Ryce Act cases shall be assigned on a rotating basis among the four (4) criminal divisions in alphabetical order beginning with the next division in rotation. A judge who imposes the death penalty shall remain assigned to the case for all purposes, including all post trial and post-conviction proceedings, whether or not the judgment and sentence is upheld on appeal, regardless of the division of the court to which that judge may be assigned subsequent to the imposition of the death penalty sentence. The Chief Judge shall assign these cases if the judge who imposed the death penalty is no longer in office.
- E. Assignment of Post Conviction Relief Cases (3.850) and Motions for Correction, Reduction and Modification of Sentence (3.800):** These cases shall be assigned to the judge who is assigned to the division designated on the file.
- F. Consolidation of Misdemeanor Cases with a Felony Charge Arising Out of the Same Circumstances:** The Clerk of the Court shall consolidate misdemeanor cases arising out of the same facts as a felony case into the felony case. All papers in the misdemeanor case shall be filed in the felony case and the case shall be set for arraignment on the next open felony arraignment docket before the assigned judge. The felony information shall contain the felony case number and show the former misdemeanor case number.
- G. Assignment of Violations of Probation and Miscellaneous Cases:** Violations of probation or community control, adult consequences alternatives, habeas corpus actions contesting the legality of a prisoner's detention, and any other action filed in a criminal case shall be assigned to the division designated on the file. If the file does not contain a current division designation, such as old cases, the case shall be assigned according to the following schedule, using the last two numbers in the case: Division A: Cases ending in 00-24. Division E: Cases ending in 25-49. Division J: Cases ending in 50-74. Division M: Cases ending in 75-99.
- H. Assignments of Writs of Mandamus, Certiorari, and Prohibition Arising Out of Criminal Charges in the Seminole County Court:** The Clerk shall deliver Petitions for Writs of Mandamus, Certiorari, and Prohibition filed in the circuit court and arising out of criminal charges in Seminole County Court to the Criminal Division Administrative judge for action and assignment within the Criminal Division.
- I. Consolidation of Related Cases Involving the Same Defendant:** Substantive cases involving the same defendant in two or more divisions shall be consolidated for pleas and sentencing in the division with the lowest case number unless at least one of the cases has been resolved by trial. The judge who tries a case against a defendant shall sentence the defendant on that case and on all other cases then pending for sentencing with that defendant.

J. Consolidation of Related Cases Involving Violations of Probation or Community

Control: Violations of probation or community control cases involving the same defendant and pending in two or more divisions shall be assigned to the division with the lowest case number sua sponte, by the clerk, or upon motion by either party. Defendants who have a new substantive felony case in Seminole County and who have a violation of probation or community control pending shall have the new violation case(s) consolidated with the new substantive case if the violation alleges the new substantive case as a ground for the violation. Consolidation shall be made by the clerk after an information or indictment has been filed in the new substantive case at the next violation of probation or community control arraignment date.

K. Failure To Appear:

Defendants who are arrested for failure to appear for docket sounding or trial shall be placed on the next docket sounding docket before the assigned judge. Defendants who are arrested for failure to appear for violations of probation or community control shall be placed on the next violation of probation docket before the assigned judge.

L. Disposition of Cases in Which Juvenile Sanctions Are Imposed:

The Clerk of the Court shall transfer any case in which a criminal division judge imposes juvenile sanctions to the juvenile divisions for all purposes. The case shall be assigned to a judge in the juvenile division like any other juvenile case.

DONE AND ORDERED this 5th day of May 2009.

CLAYTON D. SIMMONS
CLAYTON D. SIMMONS
CHIEF JUDGE

Distribution:

All Circuit and County Judges (Seminole County)
Court Administration (Seminole & Brevard Counties)
Clerk of Court (Seminole County)
State Attorney (Seminole County)
Public Defender (Seminole County)
Sheriff (Seminole County)
Bar Association (Seminole County)
Law Library (Seminole County)

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT OF
FLORIDA

ADMINISTRATIVE

ORDER NO.: 09-06
SUPERSEDES 92-116

IN RE: COURTROOM DECORUM AND PROCEDURE

WHEREAS, some practitioners are unfamiliar with the traditions of the Courts of the Eighteenth Judicial Circuit, and

WHEREAS, certain basic principles of conduct and decorum enhance the dignity of the court, and

WHEREAS, the following provisions will improve the efficiency of court proceedings, it is therefore, ORDERED:

1. When appearing in any Court of the Eighteenth Judicial Circuit, unless excused by the presiding judge, all counsel (including, where the context applies, all persons at counsel table) shall abide by the following:
 - a) Stand as Court is opened, recessed, or adjourned, unless directed to remain seated.
 - b) Stand when the jury enters or retires from the courtroom.
 - c) Stand when addressing, or being addressed by, the Court.
 - d) Counsel shall not suggest to the jury that individual voir dire may be requested without first obtaining permission of the court.
 - e) Stand at the lectern while examining any witness; except that counsel may approach the Clerk's desk or the witness for purposes of handling or tendering exhibits. It is not necessary to request permission to approach a witness unless the witness has been declared adverse or hostile.
 - f) Stand at the lectern while making opening statements or closing arguments except to show evidence to the jury.
 - g) Address all remarks to the Court and not to opposing counsel.
 - h) Avoid disparaging personal remarks or acrimony toward opposing counsel. Do not participate in, or accommodate any ill feeling between the litigants or witnesses, but remain wholly detached therefrom.
 - i) Refer to all persons, including witnesses, other counsel and the parties by their surnames and not by their first or given names.
 - j) Only one attorney for each party shall examine, or cross examine each witness. The attorney stating objections, if any, during direct examination, shall be the attorney recognized for cross examination.
 - k) Counsel should request permission before approaching the bench.
 - l) Any paper or exhibit should first be handed to opposing counsel and then to the Clerk to be marked for identification before it is tendered to a witness for his or her examination. Any exhibit offered in evidence should, at the time of such offer, be

handed to opposing counsel. Counsel should state only the legal grounds when making an objection and should withhold all further comment or argument unless elaboration is requested by the Court.

- n) Counsel shall not repeat or echo the answer given by the witness during questioning.
 - o) Offers of, or requests for, a stipulation should be made privately, not within the hearing of the jury.
 - p) In opening statements and in arguments to the jury, counsel shall not express personal knowledge or opinion concerning any matter in issue; shall not read or purport to read from deposition or trial transcripts not in evidence, and shall not suggest to the jury, directly or indirectly, that it may or should request transcripts or the reading of any testimony by the reporter.
 - q) Counsel shall inform all persons at counsel table that gestures, facial expressions, audible comments, or the like, as manifestations of approval or disapproval, during the testimony of witnesses, or at any other time, are absolutely prohibited, and may be the subject of contempt of court or other sanctions.
 - r) Smoking, eating, and food are prohibited in the courtroom at any time. Counsel may have water available if the Court gives permission.
 - s) Small children who are unable to behave are not admitted to the courtroom unless absolutely required for the trial or hearing. Children under the age of 12 years are presumed to be too young to sit during court proceedings.
2. In all criminal proceedings unless excused by the presiding judge, all counsel and defendants shall abide by the following in addition to the requirements of Paragraph 1(a-s) above:
- a) The prosecuting attorney shall present to the Court at the beginning of each jury trial a full and complete set of jury instructions and verdict forms. The jury instructions may be in electronic format if allowed by the Court. The jury instructions shall include all Category I lesser-included offenses. Defense counsel shall present to the Court at the beginning of each jury trial, any special instructions and Category II lesser-included offenses that will be requested and proposed verdict forms containing all lesser-included offenses.
 - b) All motions to suppress evidence shall be filed and heard prior to the trial week. Except for good cause shown, the Court will summarily deny any motion that is not timely filed pursuant to Fla. R. Crim. P. 3.060 and 3.190(h)(4).
 - c) Motions should contain specific reference to applicable legal authority that is relied upon by the movant in support of the motion. Rule 3.190(a), Fla. R. Crim. P. Copies of applicable statutes or controlling case law may be attached to the motion or a separate memorandum may be submitted. Pertinent portions of authorities may be underlined or highlighted.
 - d) Cases which will resolve themselves by way of plea should be promptly scheduled for hearing unless the plea is to take place at docket sounding or a pretrial or scheduling conference. It is the primary responsibility of counsel for the defense to see that a specific hearing time is scheduled for the plea.
 - e) Plea agreements should be used in all negotiated felony pleas. These forms should be fully completed and signed by all parties prior to the plea hearing.

- f) Any disputes as to "score sheets" for sentencing shall be resolved prior to the sentencing hearing. Objections to a score sheet should be communicated to the prosecuting attorney prior to the sentencing hearing.
3. The requirements stated in this rule are minimal, not all inclusive. They are intended to emphasize and supplement, not supplant or limit, the ethical obligations of counsel under the Code of Professional Responsibility or the time honored customs of experienced trial counsel. Individual judges of the Court may, in any case, or generally, announce and enforce additional prohibitions or requirements; or may excuse compliance with any one or more of the provisions of this rule.

DONE and ORDERED this 21st day of January, 2009.

Clayton D. Simmons
CLAYTON D. SIMMONS
CHIEF JUDGE

DISTRIBUTION:

All Circuit and County Judges (Brevard and Seminole Counties)
Court Administration (Brevard and Seminole Counties)
Clerk of Court (Brevard and Seminole Counties)
State Attorney (Brevard and Seminole Counties)
Public Defender (Brevard and Seminole Counties)
Sheriff (Brevard and Seminole Counties)
Bar Association (Brevard and Seminole Counties)
Law Library (Brevard and Seminole Counties)
County Attorney (Brevard County)

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

ADMINISTRATIVE ORDER NO.:

11-33-S

SUPERSEDES 08-03-S 2ND AMENDED

(EXTRACT WITHOUT ATTACHMENTS)

IN RE: CRIMINAL - BAIL SCHEDULE FOR SEMINOLE COUNTY

Bail is an essential part of the criminal justice system, and the following bail schedule is established so that law enforcement officers and booking officers can set bond on arrests prior to first appearance. This schedule is not binding upon first appearance judges, who have the responsibility to review arrests at first appearance and set conditions of release pursuant to Rule 3.131.

Within this bail schedule, special provisions setting bail for specific offenses control over general provisions that may also be applicable to the specific offense.

Under the provisions of F. S. 903.02(4), a separate and specific bail amount must be set for each offense charged.

IT IS ADJUDGED:

1. Purpose of Bail Schedule

Except in cases where bail has previously been set or denied, the bail schedule set forth in this Order shall govern release from custody of alleged offenders prior to first appearance and thereafter unless modified in accordance with the applicable Rules of Criminal Procedure on a case-by-case basis.

2. Modification of Bail Prior to Arraignment

a. First Appearance

The "first appearance judge" is any judge who presides over daily first appearances. Except as provided in paragraph (c) below, the first appearance judge may decrease or increase the amount of bail or set other conditions of release as authorized by the Rules of Criminal Procedure, except bail set upon a capias, from the date of initial first appearance and during any first appearance hearings thereafter until the scheduled arraignment date. First appearance judges shall consider motions to

release defendants from custody if the State fails to file a formal charge within thirty days as required by Rule 3.134.

b. Violation of Probation/Community Control Warrants (Sexual Predators and Registered Sexual Offenders)

If a person is arrested for violation of probation or community control and is:

1. A registered sexual predator, or
2. A registered sexual offender, or
3. Under supervision for any criminal offense prescribed in Chapter 794 (Sexual Battery); Section 800.04(4) (Lewd or Lascivious Battery); Section 800.04(5) (Lewd or Lascivious Molestation); Section 800.04(6) (Lewd or Lascivious Conduct); Section 827.071 (Sexual Performance by a Child), or Section 847.0145 (Selling or Buying of Minors), or
4. Under supervision for a criminal offense for which he/she would meet the registration criteria in Section 775.21, Section 943.0435, or Section 944.607 but for the effective date of those sections; such arrestee is to be held without bond pending a "danger to public" hearing regardless of the bond amount set forth in the violation of probation or community control warrant. In all other cases involving a violation of probation or community control warrant, the judge who is assigned to the violation of probation or community control case shall hear any motions to set, reduce, increase, or modify bail on the warrant. The chief judge, or the administrative judge for Seminole County, shall assign a judge to determine bail in those cases in the absence of the judge to whom such case shall be assigned.

c. Assigned Judge

The "assigned judge" is the judge who is assigned to a case pursuant to administrative order. The assigned judge shall consider motions to set, reduce, increase, or modify conditions of bail or other conditions of release after arraignment. The assigned judge shall set bail or other conditions of release in capital cases and in cases scheduled on this Order to be "No Bail." No judge of a court of equal or inferior jurisdiction shall modify or set a condition of release which has previously been set by the assigned judge except as provided by Rule 3.131(d). The Chief Judge shall assign a judge to determine bail or other conditions of release in the absence of the assigned judge.

3. Extradition Cases

First appearance judges shall consider conditions of release for defendants who have been arrested with or without a warrant on charges from another state or territory unless the defendant is being held on a Governor's warrant. First appearance judges shall not set bail in such cases after a Governor's warrant has been served, although they shall otherwise act as required by F.S. 941.10(1). The assigned judge shall hear any habeas corpus proceedings in extradition cases. The first appearance clerk shall identify extradition cases on the first appearance docket.

4. Bail Schedule

Except as otherwise provided herein, the following Schedules shall apply to felony and misdemeanor arrests on probable cause, and on any warrant or capias with no bond endorsed thereon, pursuant to Fla.R.Crim.P. Rule 3.131(j):

5. Procedure to Set Bail by Arresting Officers

Arresting officers shall set bail according to **SCHEDULES I AND II** for persons arrested on probable cause and not on probation or community control. **Bail shall be set on the highest offense for which the person has been arrested. Persons who have been arrested for multiple offenses shall have bail set on the highest offense charged and in the amount of \$100.00 for each additional felony offense and \$50.00 for each additional misdemeanor offense.**

SCHEDULE I – SPECIFIC CRIMES

First Degree Felony Punishable by Life	NO BAIL
Life Felony	NO BAIL
Capital Felony	NO BAIL
Drug Trafficking {F.S. 893.135}	Set at First Appearance

Escape from Department of Corrections or from rehabilitative community reentry program {F.S. 944.405 (1)}	NO BAIL
Rico Act {F.S. 895.03 & 896.101 (2)}	Set at First Appearance
Attempt/ Solicitation/Conspiracy to Commit First Degree Murder {F.S.777.04 & 782.04}	NO BAIL
Attempt/Solicitation/Conspiracy to Commit Second Degree Murder {F.S. 777.04 & 782.04}	\$15,000
Burglary to a Dwelling {F.S. 810.02 (3)}	\$4,900
Leaving scene of accident with Death {F.S. 316.027 (1)(b)}	Set at First Appearance
Leaving scene of accident with personal injury {F.S. 316.027 (1)(b)}	\$4,900
Vehicular Homicide {F.S. 782.071}	\$4,900
Manslaughter {including DUI Manslaughter} {F.S. 782.07 & F.S. 316.193 (2)(b)(3)}	\$10,000

DUI/Criminal Traffic

\$500

SCHEDULE II – OTHER CRIMES

<u>F-3</u>	<u>Non-Violent</u>	<u>Violent</u>	<u>Drug</u>	<u>Sexual Offenses</u>
Local Resident	\$1,000	\$2,000	\$3,000	\$3,000
Florida Resident	\$1,500	\$2,500	\$3,500	\$3,500
Out of State Resident	\$3,000	\$4,000	\$4,900	\$4,900
Out of Country Resident	\$4,900	\$8,000	Set at first appearance	\$7,000

<u>F-2</u>	<u>Non-Violent</u>	<u>Violent</u>	<u>Drug</u>	<u>Sexual Offenses</u>
Local Resident	\$2,000	\$4,000	\$4,900	\$10,000
Florida Resident	\$3,000	\$4,900	\$6,000	\$10,000
Out of State Resident	\$4,000	\$6,000	\$8,000	\$15,000

Out of Country Resident	\$4,900	\$8,000	Set at First Appearance	\$15,000
<u>F-1</u>	<u>Non-Violent</u>	<u>Violent</u>	<u>Drug</u>	<u>Sexual Offenses</u>
Local Resident	\$4,900	\$7,000	\$10,000	\$25,000
Florida Resident	\$7,000	\$9,000	\$12,000	\$25,000
Out of State Resident	\$10,000	\$12,000	\$14,000	\$30,000
Out of Country Resident	\$12,000	\$14,000	Set at First Appearance	\$35,000

M-1
All Offenses \$500

M-2
All Offenses \$301.50

SCHEDULE III - OFFENDERS ON PROBATION OR COMMUNITY CONTROL

FOR FELONY OFFENSES

An individual arrested for a new criminal offense, who is on felony probation or community control, shall be held without bond pending first appearance.

An individual arrested for violation of felony probation or community control shall be held without bond pending first appearance, unless;

- i. There is a violation of probation or community control warrant, which, on its face, provides that the arrestee does not meet the qualifications for a “danger to public” hearing as defined in Florida Statute 948.06(4)(as amended by the “Jessica Lunsford Act”), and

ii. The violation of probation or community warrant sets a bond amount.

6. Direct Filed and Refiled Informations or Indictments

a. Direct Filed Informations or Indictments (F. S. 932.48)

Except as provided in subsection b., the clerk of the court shall endorse on the capias the bail for each offense charged according to the bail schedule.

b. Refiled Informations after Nolle Prosequi

Bail shall be set by the assigned judge, the criminal division administrative judge or the chief judge on any capias issued after a Nolle Prosequi has been entered if the court has previously had jurisdiction over the person of the defendant in the case.

7. Special Conditions of Release - Duty of Pretrial Release Officer

a. Persons on Probation - Department of Corrections

Any person who is arrested in Seminole County and who is on probation with supervision by the Department of Corrections, Probation and Parole Services, shall, as an additional condition of release, report to Department of Corrections, Probation and Parole Services, Sanford, Florida, before 4:00 p.m. on the first business day following release.

An offender is considered to be on probation if he is on parole or under any other type of supervision status by the Department of Corrections.

b. Persons on Probation - Seminole County Probation Department

Any person who is arrested in Seminole County and who is on probation with supervision by the Seminole County Probation Department, shall, as an additional condition of release, report to Seminole County Probation Department, Sanford, Florida, before 4:00 p.m. on the first business day following release.

c. Persons arrested for sexual offenses or child abuse

Any person who is arrested for a sexual offense or for child abuse shall, as an additional condition of release, be prohibited from having direct or indirect contact with any victim named in the arrest report. This condition shall include not returning to the defendant's place of residence if any victim resides there.

d. General Conditions for Pretrial Release Applicable to All Cases

1. The defendant shall refrain from criminal activity of any kind.

2. The defendant shall refrain from any contact of any type with the victim(s), except through pretrial discovery pursuant to the Florida Rules of Criminal Procedure.

3. The defendant shall comply with all other conditions of pretrial release.

e. Duty of Pretrial Release Officer

1. Persons arrested who are on probation shall not be released until they have been instructed of the conditions in paragraph 7, subsection b of this Order by a Pretrial Release Officer and have signed a written Notice in the form attached as Exhibit B to this Order.

2. Persons arrested who are alleged to have committed a sexual offense shall not be released until they have been instructed of the conditions in paragraph 7, subsection c of this Order by a Pretrial Release Officer and have signed a written Notice in the form attached as Exhibit C to this Order.

8. Subsequent Offenders

Any alleged offender who is on release status and is subsequently rearrested for a new felony offense shall be released on bail in an amount double that shown on the applicable schedule, unless the court determines the offender should remain in custody. Subsequent offenders shall not be released R.O.R. or P.T.R.

9. Domestic Violence Cases

a. Crimes Involving Domestic Violence

Any individual arrested for any crime involving domestic violence, as defined in Section 741.28(1) and (2) Florida Statutes, shall remain incarcerated until First Appearance. At that time the First Appearance Judge shall determine appropriate bail and conditions of release, taking into consideration the factors enumerated in Section 741.2901(3), Florida Statutes, as presented by the State Attorney at First Appearance pursuant to said section. If the State Attorney fails to comply with Section 741.2901(3), the First Appearance Judge may release the individual on recognizance with appropriate conditions of release at the discretion of the Judge.

b. Violation of Injunction for Protection Against Domestic Violence

Any individual arrested for violating Section 741.31, Florida Statutes, for violating an injunction for protection against domestic violence issued pursuant to Section 741.30 shall remain incarcerated until First Appearance. At that time the First Appearance Judge shall determine appropriate conditions of release.

c. Violation of Injunction for Protection Against Repeat Violence

Any individual arrested pursuant to Section 901.15(8), Florida Statutes, for any crime violating an injunction for protection against repeat violence issued pursuant to Section 784.046, Florida Statutes, shall remain incarcerated until First appearance. At that time the First Appearance Judge shall determine appropriate conditions of release.

10. Temporary Detention

If, in the arresting officer's opinion, further violence, or additional law violations are probable, the duty Assistant State Attorney may contact the duty judge for authority to hold the alleged offender in custody until First Appearance.

11. Guidelines for Arresting Officers and/or Booking Personnel in Considering Release Prior to Judicial Review at First Appearance or Initial Proceeding

Guidelines for arresting officers and/or booking personnel in considering release of alleged offenders prior to judicial review at First Appearance or other initial proceeding are attached as Exhibit A to this Order and reincorporated by reference in this Order.

12. Bail before Conviction; Condition of Undertaking [Rule 3.131(e)(2)]

If a person is admitted to bail for his appearance for a preliminary hearing, or on a charge that a magistrate is empowered to try, the condition of the undertaking shall be that he/she will appear for such hearing, or to answer the charge, and will submit himself/herself to the orders and process of the magistrate trying the same, and will not depart without leave.

If he/she is admitted to bail after having been held to answer by a magistrate, or after an indictment or information on which he/she is to be tried has been filed, the condition of the undertaking shall be that he will appear to answer the charges before the court in which he/she may be prosecuted and submit to the orders and process of the court, and will not depart without leave.

The sheriff shall not accept a surety bond which contains conditions of the undertaking which are different from those set forth above. This portion of this order is for the purpose of requiring the provisions of surety bonds to comply with the Rules of Criminal Procedure.

13. Effect of Filing Notice of No Information or Nolle Prosequi

If a person arrested for any offense(s) occurring within Seminole County is admitted to bail and the State Attorney files a notice of No Information or Nolle Prosequi with respect to all charges arising out of a single arrest, the Sheriff shall without further order of the Court release the person from custody as to the charges named.

As to the named charges and person, all bail undertaking, not defaulted, shall be canceled, all sureties shall be exonerated, and all release on recognizance obligations shall be discharged without further order of the court. A bench warrant or capias which may be

outstanding and is yet unserved upon a named individual for a specified charge shall also be canceled upon the filing of a No Information or Nolle Prosequi without further order of the court.

14. Effective Date

This bail schedule shall become effective on October 1, 2011.

DONE AND ORDERED this 4th day of October, 2011.

ALAN A. DICKEY

CHIEF JUDGE

Distribution to:

Circuit and County Court Judges (Seminole County)
Clerk of the Court (Seminole County)
Court Administration (Seminole and Brevard Counties)
State Attorney (Seminole County)
Public Defender (Seminole County)
Sheriff (Seminole County)
Bar Association (Seminole County)
Law Library (Seminole County)
Seminole County Jail Administrator
Seminole County Pretrial Release Officer
Seminole County Police Departments