

ADMINISTRATIVE ASSIGNMENT ORDER

Due to substantial increases in case loads in the criminal law area, as well as serious jail overcrowding issues within Lee County, it is increasingly obvious that attention must be paid to innovative methods of criminal case management.

Consultants on jail management issues and the recent Total Quality Management process entitled "Arrest to Arraignment" have recommended that certain routine duties of judges who perform functions associated with criminal cases be consolidated. These include but are not limited to all in-custody arraignments, acceptance of negotiated plea agreements in any court where appropriate, bond reduction hearings where authorized and appropriate, emergency jail matters (e.g., ill inmates in need of transfer to hospital), and other matters which directly relate to the administration of the criminal justice system.

The presence of one judge who may be continuously available for routine matters will allow for the screening of those cases which may be capable of early resolution, the expeditious handling of those cases, and follow up on those cases in need of additional investigation before they are ready for resolution.

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CLERK OF COURT

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BY D.C.

The availability of one judge as set forth above will allow the circuit and county court trial judges to concentrate on those cases which are more likely to go to trial or otherwise require the expenditure of significant judicial labor before they can be resolved.

In addition, instead of all cases going from arraignment to docket sounding, more effective scheduling of alternative dates can be employed, such as motion dates, discovery monitoring hearings, case management conferences, or case scheduling hearings. The trial judges can also set discovery timetables for routine cases. In this manner, cases can be scheduled for trial only when they are truly ready for trial and a "No Continuance" policy can be equitably enforced.

Throughout the term of this order, the office of the Court Administrator will keep and maintain records on pleas, jail population and other statistics necessary to measure the effectiveness of the processes and procedures established by this order.

Pretrial Services will implement new levels of Supervised Release and a Risk Assessment Instrument will be employed as an additional aid to the Court in making decisions on bail and related matters. Pretrial Services will also assist in the

screening and monitoring of the progress of cases appropriate for the Early Case Resolution Program.

Based upon the foregoing, and in accordance with Fla. R. Jud. Admin. 2.050(b), it is

ORDERED AND ADJUDGED as follows:

1. First appearance hearings will be moved to 10:00 a.m. each weekday morning. This will allow defense attorneys to interview their clients from 8:30 a.m. and 10:00 a.m. so that appropriate decisions can be made on issues related to bail and the potential for plea agreements. The State Attorney will also be available to discuss such issues with defense counsel, thus maximizing what can be accomplished at the first appearance.

2. In order to implement each of the foregoing concepts, as Chief Judge I hereby assign to myself the following duties:

a) Weekday first appearance hearings for felony and misdemeanor cases, including review of the status of any inmates brought to the attention of the court by pretrial services.

b) Availability for hearing and acceptance of negotiated pleas for misdemeanors and felonies.

c) Availability on a limited "as needed" basis for bond reduction hearings on any type of criminal case.

d) At a later date to be determined, the handling of all in custody arraignments on misdemeanors and felonies on a schedule to be developed with the judges of both the county and circuit courts.

e) Availability for emergency and administrative matters relating to jail management and inmate issues.

To facilitate the performance of the duties as set forth above, the undersigned is hereby assigned as a circuit judge to criminal divisions "D" and "E", and as a temporary county judge for so long as this order remains in effect.

This order shall take effect on March 9, 1999 and shall remain in effect for so long as is necessary for this Court to evaluate and determine the viability of the consolidation of functions as set forth in this order.

DONE AND ORDERED in Chambers at Fort Myers, Lee County, Florida, this 3rd day of March, 1999.

I CERTIFY THIS DOCUMENT TO BE
A TRUE & CORRECT COPY OF THE
ORIGINAL ON FILE IN MY OFFICE,

MAR 3 1999

Charlie Green, Clerk Circuit
Court Lee County, Florida

ATTEST:

William D. Wilkinson
William D. Wilkinson, Sr.
Court Administrator

Hugh E. Starnes
Hugh E. Starnes
Chief Judge

cc: Lee County Clerk of Courts
Lee County Circuit Judges
Lee County Court Judges
Lee County Probation Department
Lee County Pretrial Services

STATE OF FLORIDA, COUNTY OF LEE

FILED FOR RECORD

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Book 43 Page _____ and Record Verified.
CHARLIE GREEN By Joan
Clerk Circuit Court Deputy Clerk