

IN THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR THE STATE OF FLORIDA

IN RE: ESTABLISHMENT AND IMPLEMENTATION
OF CRIMINAL CASE MANAGEMENT PLAN

)
) ADMINISTRATIVE
) ORDER
) NO. 3.25

WHEREAS, it is in the best interest of the citizens of the Twentieth Judicial Circuit for the Court to develop innovative means to further improve the fair, predictable, efficient, and timely disposition of felony criminal cases in the Circuit Criminal Court;

NOW, THEREFORE, pursuant to the authority prescribed by Fla. R. Jud. Admin. 2.215 and for the purpose of promoting the efficient administration of justice within the Twentieth Judicial Circuit, it is ORDERED as follows:

1. There is established within the Twentieth Judicial Circuit a Criminal Case Management Plan applicable to felony cases, which will be administered by the Administrative Office of the Courts through the use of case managers, clerical support staff and such personnel as the Court Administrator deems appropriate.

2. The basis for the Criminal Case Management Plan is attached hereto, identified as the "Criminal Case Management Procedures & Time Standards," and is incorporated as if fully set forth herein. The Criminal Case Management Plan is to be used as a model for the purpose of establishing goals and promoting uniformity of practice throughout the Twentieth Judicial Circuit.

3. It is intended that the Criminal Case Management Plan will be initially implemented in Lee County, effective December 31, 2007, with implementation to be later expanded, as appropriate, to other counties within the Twentieth Judicial Circuit.

4. Recognizing that each county may have differing needs requiring certain deviations from the model plan attached hereto, the Circuit Administrative Judge of each respective county may

I certify this document to be original on file in my office,
Charlie Green, Clerk Circuit
Court, Lee County, Florida
Dated: 12/10/07

By Mary Montgomery
Deputy Clerk

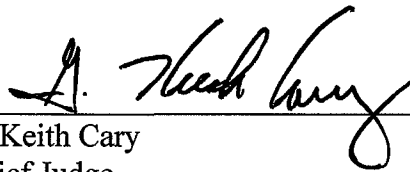
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submit to the Chief Judge a distinct written proposed plan with procedures that, upon approval by the Chief Judge, may be implemented in the respective county.

5. The procedures and time standards set forth in the model plan, or in any other written plan approved by the Chief Judge, are intended to facilitate the timely, fair and effective resolution of criminal cases while ensuring the efficient use of court resources. The procedures and time standards do not supplant any existing rule, statute, or law. A defendant's right to a speedy trial is determined by Fla. R. Crim. P. 3.191 and not by reference to this Administrative Order or the Criminal Case Management Plan. Neither this Administrative Order nor the Criminal Case Management Plan shall be construed as granting any rights not already provided for by rule, statute, or law.

6. To the extent that any provision of this Administrative Order may be construed as being in conflict with any rule, statute, or law, the rule, statute, or law shall prevail.

DONE AND ORDERED in chambers in Fort Myers, Lee County, Florida, this 6
day of Dec, 2007.



G. Keith Cary
Chief Judge

History. – New.

20th Judicial Circuit
Criminal Case Management
Procedures & Time Standards

I. Purpose

To improve predictability, efficiency and timely disposition of felony criminal cases in the Circuit Criminal Court.

To develop and evaluate Criminal DCM procedures in Lee County with intent to expand the best practices to other counties to promote uniformity in practice throughout the 20th Circuit.

To insure compliance with the provisions and aims of the Florida Rules of Criminal Procedure, specifically, the use of an early, meaningful Pretrial Conference procedure tied to a realistic discovery cut off date, Fla. R. Crim. P. 3.220 (p).

To recognize that a defendant's right to speedy trial, and the public, including victims and witnesses, interest in a timely, fair and just resolution of criminal cases, is best achieved by application of uniform and consistent time standards Fla. R. Crim. P. 2085(f) for the conduct of criminal cases in Circuit Court.

To encourage collaboration between the Court, the State Attorney, the Public Defender and the defense bar with a view towards a just and efficient disposition of criminal cases.

II. Objectives

- To implement an early Case Management Conference event to improve the early court intervention and use of a realistic Case Management Scheduling Order.
- To improve predictability and efficiency in case processing from arraignment to trial.
- To eliminate unproductive events and replace them with meaningful court events in the case process (Arraignment, Case Management Conference, Pretrial Conference and Trial Date).
- To manage cases according to their nature and complexity, to ensure early disposition of appropriate cases, to allow adequate time for trial preparation and individual judge management of more complex cases.
- Establish time goals and initiatives for efficient case processing and backlog reduction which target a 20-30% reduction in cases over 1 year of age and 80% "on-time" case processing of new cases filed as of 1/1/08.

III. Arraignment

At Felony Arraignment, after entry of initial plea, the judge will set a date for a mandatory Case Management Conference to be held within 45 to 60 days. Generally, standard cases will be set within 45 days and complex cases at 60 days.

IV. Case Track Designations and Time Goals

The State Attorney's Office will assign a presumptive track for all cases, at the time that the formal charging document (information) is filed. The presumptive track will be primarily based upon the lead charge in the charging document. Case track designations will establish a time period for completion of all discovery, plea conference, trial or disposition of the case.

Three final case track designations are established by the trial judge based upon: the nature of the charge, procedural complexity and reasonable time needed to prepare for trial and ensure a timely disposition.

- Track "A" – Expedited, 3rd degree or simple, non-violent offenses or cases suitable for diversion. Standard in-custody cases may also be placed on the expedited scheduling track to encourage early disposition.
- Track "B" – Standard, 2nd degree or cases not "A" or "C".
- Track "C" – Complex, 1st degree or 2nd degree with multiple defendants or procedural complexity that require intensive, individual Judge management.

At the Case Management Conference, time to disposition goals is established, consistent with Florida Rules of Court (Fla. R. Jud. Admin. 2.085) as follows:

- 80% of Expedited "A" cases to be disposed within 180 days
- 80% of Standard "B" cases to be disposed within 240 days
- 80% of Complex "C" cases to be disposed within 360 days

The following goals are established for the Felony case management program:

Time Goals	2009 80% Disposed	2010 90% Disposed
A Expedited	120 days	120 days
B Standard	180 days	180 days
C Complex	300 days	240 days

V. Initial Discovery, Score Sheet and Initial Plea Offer

Initial discovery or notice thereof, as defined by Fla. R. Crim. P. 3.220, shall be provided at arraignment or at the earliest time possible, in the exercise of due diligence, in order to permit the State and the Defendant sufficient time, in advance of the case management conference, to evaluate the case and meaningfully participate in the Case Management Conference.

15 Days prior to the Case Management Conference, counsel shall confer and have completed the following:

- Initial discovery exchange
- Score sheet exchange
- Plea offer exchange
- Review of anticipated pretrial activities and dates

Counsel shall be prepared to discuss all aspects of case management and scheduling, to include, without limitation, the following:

- Any discovery issues requiring a motion to compel or an order to show cause
- Any expert witness issues.
- Any pretrial motions pending or contemplated, to include scheduling issues related to motions. This would include suppression motions, child hearsay motions, and *Williams* Rule motions.
- Any conflict issues concerning representation.
- Any competency issues.
- Trial date and expected length of trial.
- Pretrial Conference date.
- Plea cut-off date.
- Motions; filing deadline and scheduling.
- Discovery deadline.
- Schedule additional case management conferences if necessary.
- Any other issues affecting a timely resolution of the case.

Counsel shall discuss whether the case can be disposed of by plea or by EID and, if so, a plea may be taken or an immediate plea date will be set in the Case Management Order. Cases identified for EID, Drug Court or Mental Health Court will be set for the next available date on that respective calendar.

The court may use an "ORDER SETTING CASE MANAGEMENT CONFERENCE" (Attachment A) to set any case filed prior to January 1, 2008, for a Case Management Conference.

VI. The Case Management Conference

Counsel and defendant will be present in court at the Case Management Conference, pursuant to Fla. R. Crim. P. 3.180(a)(3) and 3.220(p)(1). At the Case Management Conference, a

final case track designation will be set by the Judge, upon consultation with counsel, based upon the nature of the charges and procedural complexity of the case.

In addition, a "CASE MANAGEMENT CONFERENCE ORDER" (Attachment B) will set forth:

- Tentative cut-off dates for pretrial motions, completion of all discovery, depositions and expert evaluations
- A date for any interim pretrial status conferences where deemed necessary by the trial judge
- Estimated time for Trial.

The clerk shall set a mandatory PRETRIAL CONFERENCE date to occur within 120 days of arraignment for an "A" track case and 165 days of arraignment for a "B" track case (120 days on "B" track case without a waiver of speedy trial).

The Scheduling Order shall also state a tentative TRIAL month and year based upon the case track to occur within 180 days of arraignment for "A" track cases (150 days on "A" track cases without a waiver of speedy trial) and 200 days of arraignment for "B" track cases (175 days on "B" track cases without a waiver of speedy trial).

VII. Amendments to the Scheduling Order

The Court recognizes that there are cases, which by their very nature and complexity, require special tracking standards and that unanticipated events may delay the trial of a case or require that a previously determined date be extended or continued. Therefore, a Case Management Order may, for good cause shown, be amended upon Order of the Court.

All requests for an enlargement or limitation of a scheduled event shall be in a filed, written motion to the trial judge or his designee. In the event that the Scheduling Order is amended, the clerk shall enter the amended dates in the court's case management system and shall revise the Case Management Order accordingly.

VIII. Pretrial Conference Date

Counsel and defendant will appear in court for the Pretrial Conference, pursuant to Fla. R. Crim. P. 3.180(a)(3) and 3.220(p)(1). Prior to the Pretrial Conference, counsel will consult and Plea offer will be discussed. At the Pretrial Conference, a "PRETRIAL CONFERENCE ORDER" (Attachment C), will set forth the status of discovery and acceptance/rejection of the Plea offer.

No continuances for lack of time for discovery or depositions will be approved unless received 30 days prior to scheduled date and only granted for extraordinary reasons. All requests for a continuance shall be in submitted in a filed, written motion to the trial judge or his designee.

Cases not reaching a Plea Agreement at the Pretrial Conference will be immediately set for a Trial Call, date to occur within 45 days, with a Trial certain date following within the next 14 days.

In complex cases, or where necessary, a Final Pretrial Conference may be held 14 days prior to the scheduled trial date at the Judge's discretion. This conference is intended for the purpose of planning the trial and to dispose of any remaining trial motions that may be pending. Three (3) days prior to the Final Trial Conference, counsel is to submit a Joint Pretrial Memorandum, with the State being responsible for preparing the first draft to contain:

- **Stipulations of the Parties**
- **List of any trial motions to be heard**
- **Special needs of the case (e.g. interpreter)**
- **Estimated length of the trial**

IX. Trial Date Certainty/Trial Calendaring

Trial dates will only be set on cases ready for trial. Trial dates will be set at the Pretrial Conference to occur within 45 days of the date of the Pretrial Conference.

In order to maintain trial certainty, a reasonable number of cases will be set for trial on every Monday of a trial week. The court will try cases on the day set, or later during the trial week. Cases not reached for trial on or by Thursday of the trial week may be carried over to the following Monday as a priority trial case.

No continuance of the trial date will be granted on basis of discovery or witness unavailability. Requests for continuance to another date within the Trial Cycle will be considered if received within 15 days of the Trial Notice provided at the Pretrial Conference. Requests for continuance made after 15 days from Notice of Trial date will only be considered for extraordinary circumstances.

X. Judicial Discretion

It is understood that specific situations may arise from time to time, which require some variation from the procedures set forth above. In the interest of justice, to address specific concerns in unusual circumstances, and in the promotion of judicial efficiency, the trial Judge, in his or her sound discretion, may extend the time periods and alter procedural requirements herein before mandated.

XI. Circuitwide Application

To promote uniformity in practice throughout the 20th Circuit, it is ultimately intended that these Criminal Case Management procedures and time standards be applied and implemented in each of the five counties within the Twentieth Judicial Circuit. However, recognizing that each

county may have differing needs requiring deviations from the plan set forth herein, the Circuit Administrative Judge of each respective county may submit to the Chief Judge a written proposed plan and procedure that, upon approval by the Chief Judge, may be applied in the respective county.

XII. Effect

The procedures set forth herein are intended to facilitate the timely, fair and effective resolution of criminal cases while ensuring the efficient use of court resources. They do not supplant any existing rule of criminal procedure or statute. A defendant's statutory right to a speedy trial is determined by Fla. R. Crim. P. 3.191 and not by reference to these procedures and time standards.

LAST UPDATED DRAFT: November 19, 2007

ATTACHMENT A

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA – CRIMINAL DIVISION

STATE OF FLORIDA

Case No.

v.

_____ /

ORDER SETTING CASE MANAGEMENT CONFERENCE

Pursuant to Rule 2.545, Florida Rules of Judicial Administration, the court, after review of the Court file, hereby **ORDERS**

That Defendant, ¹ Defendant's counsel of record, and the Assistant State Attorney assigned to the case, appear for a case management conference on

_____, at _____ p.m./a.m, in _____

_____, Florida.

It is further ordered that counsel be prepared to discuss all aspects of case management and scheduling, to include, without limitation, the following:

1. Discovery, including initial discovery disclosure, reciprocal discovery, depositions, expert witness issues, any discovery issues requiring a motion to compel or an order to show cause.
2. Any pre-trial motions pending or contemplated, to include scheduling issues related to such motions. This would include suppression motions, child hearsay motions, and/or *Williams* Rule motions.
3. Any conflict issues concerning representation.

¹ Pursuant to Rules 3.180(a)(3) and 3.220(p)(1), Florida Rules of Criminal Procedure, the Defendant must be present at any pretrial conference.

4. Any competency issues.
5. Trial date and expected length of trial.
6. Pre-trial Conference date.
7. Plea cut-off date.
8. Motions; filing deadline and scheduling.
9. Discovery deadline.
10. Schedule additional case management conferences if necessary.
11. Any other issues affecting a timely resolution of this case.

DONE AND ORDERED at Fort Myers, Lee County, Florida, this _____ day of _____, 20_____.

Circuit Court Judge

If you are a person with a disability in accordance with the Americans with Disabilities Act who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact _____ whose office is located at _____ and whose telephone number is _____, within two working days of your receipt of this notice; if you are hearing or voice impaired, call 1-800-955-8771.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above order has been furnished to:

this _____ day of _____, 20_____.

By: _____

Attachment B
IN THE CIRCUIT COUNTY COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR LEE COUNTY, FLORIDA
CRIMINAL DIVISION

STATE OF FLORIDA

CASE NO.:

vs.

TRACK:

DATE:

CASE MANAGEMENT CONFERENCE ORDER

A Score Sheet and Plea Offer have been completed and reviewed: Yes No

The PLEA has been: Accepted. PLEA ACCEPTANCE HEARING set for: _____
 Rejected.

SPEEDY TRIAL has been: WAIVED NOT WAIVED TOLLED

1. Track Amended to: A-Expedited B-Standard C-Complex

2. All Pretrial Discovery/Depositions/Expert Evaluations TO BE COMPLETED before: _____

3. All MOTIONS/PRETRIAL HEARINGS, shall be disposed before: _____

4. Estimated length of TRIAL: _____

5. Projected TRIAL Month and Year: _____

Pre Trial Conference Date and Time: _____
ALL PARTIES MUST APPEAR

Once approved at this Case Management Conference, this ORDER is your official notice of dates and required court appearance. It may not be modified except by leave of Court upon a showing of good cause; stipulations between counsel shall not be effective to change any deadlines in the order absent Court approval.

If the above named defendant fails to appear at the next or any subsequent court date, a warrant shall be issued for the defendant's arrest and any bond shall be forfeited.

Defendant

Counsel for Defendant

Assistant State Attorney

Signed and approved this _____ day of 2007.

Honorable

Attachment C
IN THE CIRCUIT COUNTY COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR LEE COUNTY, FLORIDA
CRIMINAL DIVISION

STATE OF FLORIDA

CASE NO.:

vs.

TRACK:

DATE:

PRETRIAL CONFERENCE ORDER

A Score Sheet and Plea Offer have been completed and reviewed: Yes No

The PLEA has been: Accepted. PLEA ACCEPTANCE HEARING set for: _____
 Rejected.

SPEEDY TRIAL has been: WAIVED NOT WAIVED TOLLED

1. All Pretrial Discovery HAS BEEN COMPLETED: Yes No
2. All Depositions HAVE BEEN COMPLETED: Yes No
3. All Expert Evaluations HAVE BEEN COMPLETED: Yes No
4. All Motions/Pretrial Hearings HAVE BEEN DISPOSED: Yes No

IF NOT, MOTION TO BE HEARD:

5. Estimated length of TRIAL: _____

6. TRIAL on: _____ @ _____

IF ORDERED BY THE COURT: Next Pretrial Conference Date and Time: _____

ALL PARTIES MUST APPEAR

Once approved at this Pretrial Conference, this ORDER is your official notice of dates and required court appearance. It may not be modified except by leave of Court upon a showing of good cause; stipulations between counsel shall not be effective to change any deadlines in the order absent Court approval.

If the above named defendant fails to appear at the next or any subsequent court date, a warrant shall be issued for the defendant's arrest and any bond shall be forfeited.

Defendant

Counsel for Defendant

Assistant State Attorney

Signed and approved this _____ day of 2007.

Honorable