

IN THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR LEE COUNTY, FLORIDA

**IN RE: ASSIGNMENT OF MULTIPLE FELONY
CASES INVOLVING A SINGLE DEFENDANT
OR CO-DEFENDANTS IN LEE COUNTY**

**Administrative Order
3.27
- Second Amended -**

WHEREAS the assignment and reassignment of specific court cases between or among judges of a multi-judge court is a matter within the internal government of that court and is directed and controlled by policy adopted by the judges of that court, either directly or by and through their chief judge, Kruckenbergh v. Powell, 422 So. 2d 994 (Fla. 5th DCA 1982); and

WHEREAS, recognizing the limited nature of judicial resources, it is generally in the interest of judicial economy and efficiency that related cases, companion cases, or cases involving a single defendant or co-defendants be addressed by a single judge;

It is, therefore, by the authority vested in the Chief Judge by Fla. R. Jud. Admin. 2.215(b),

ORDERED as follows as it relates to felony cases in Lee County:

1. In any case in which a single defendant has multiple felony cases arising on the same date of arrest, the Clerk shall assign the first felony case of that defendant to a judge, and shall manually assign to that same judge all additional felony cases of that same defendant arising on that same date of arrest, except as set forth in paragraphs 2 and 3 below.

2. In any case in which eight (8) or less co-defendants are listed on the arrest report, and the arrests occur on the same date, the Clerk shall assign the first case involving the first defendant to a judge, and shall manually assign to that same judge all additional felony cases of the remaining co-defendants.

3. In any case in which there are nine (9) or more co-defendants, whether listed on the arrest report or not, the Office of the State Attorney shall notify the Lee County Administrative Felony Judge who shall reassign all of those cases to one judge of the Lee County Criminal division on a

I hereby certify this document to
be a true and correct copy of the
record on file in my office
Kevin C. Karnes, Clerk of the
Circuit Court, Lee County FL
Dated: 08/18/2022

By A. Alvarez
Deputy Clerk



rotating basis. Any pending or subsequent felony case(s) of the above defendants shall remain as previously assigned or be assigned as set forth in paragraph 4 below.

4. When a defendant has more than one pending felony case¹ in Lee County involving different dates of arrest, except the cases described in paragraph 3 above, the more recent pending felony case or cases shall be reassigned to the judge assigned to the earliest pending felony case with the oldest original arrest date. Upon becoming aware of the fact that a defendant has more than one pending felony case in Lee County, the Office of the State Attorney shall be responsible for requesting reassignment of the more recent felony case or cases in accordance with this Administrative Order and shall submit a proposed order of reassignment for the signature of the Chief Judge or the Chief Judge's designee.

5. In cases in which the State has identified related cases with active felony charges involving eight (8) or less co-defendants arising from the same set of facts, transactions or occurrences, the following shall occur:

(a) In situations in which none of the co-defendants have any unrelated pending felony cases, the judge assigned to the earliest related pending felony case with the oldest arrest date, or if the cases have the same arrest date, the judge assigned to the related pending felony case with the lowest case number, shall preside over the related cases against all co-defendants. The related cases shall be reassigned to that judge. The Office of the State Attorney shall be responsible for requesting reassignment of the related case or cases in accordance with this Administrative Order and shall submit proposed orders of reassignment for the signature of the Chief Judge or the Chief Judge's designee.

(b) In situations in which one or more of the defendants do have unrelated pending felony cases, the judge assigned to the earliest pending felony case with the oldest original arrest date, or if the cases have the same arrest date, the judge assigned to the pending felony case with the lowest case number, shall preside over the related cases against all co-defendants, as well as all unrelated pending felony cases. The related cases, as well as all

¹ For the purpose of this Administrative Order, "pending felony case(s)" means (1) any other active felony case for which the defendant has not yet been sentenced, and (2) any other felony case for which a defendant has already been sentenced to a term which includes active probation or community control, meaning that the term of probation or community control has not yet expired. However, for the purpose of this Administrative Order, "pending felony case(s)" does NOT mean (1) any other felony case for which a defendant has already been sentenced to a term which does not include probation or community control, but which is not yet final due to a pending motion for new trial/hearing or a pending appeal, and 2) any other felony case re-opened by the Clerk due to the filing of a postconviction motion including, but not limited to, allegations of an illegal sentence, newly discovered evidence, ineffective assistance of counsel, prosecutorial misconduct, or fundamental error. This meaning of "pending felony case(s)" is not intended to have any application outside of the context of this Administrative Order.



unrelated pending felony cases, shall be reassigned to that judge. The Office of the State Attorney shall be responsible for requesting reassignment of the related case or cases, as well as all unrelated pending felony cases, in accordance with this Administrative Order and shall submit proposed orders of reassignment for the signature of the Chief Judge or the Chief Judge's designee.

6. In unique circumstances in which the Office of the State Attorney is of the opinion that it is not in the best interest of justice that the felony cases of all co-defendants be assigned to a single judge, the Office of the State Attorney shall advise the Lee County Administrative Felony Judge in writing, with copies to opposing counsel, or if unrepresented by counsel, to the defendant or defendants. In such instances, the final decision as to whether a case is to be reassigned shall rest with the Chief Judge, or the Chief Judge's designee, upon consultation with the Lee County Administrative Felony Judge and consideration of the written request submitted by the Office of the State Attorney.

7. All felony cases that are re-filed after having been previously dismissed for any reason, or are reopened after having been previously disposed, are to be assigned or reassigned to the same judge assigned to the case that had been previously dismissed or disposed. In the event that the judge has since retired or is no longer serving in the Lee County Circuit Criminal division for any reason, the re-filed case shall be assigned or reassigned to the judge now presiding over the prior judge's track. If the Clerk does not automatically make the appropriate assignment at the time the case is initially re-filed, the Office of the State Attorney shall be responsible for requesting reassignment of the re-filed case in accordance with this Administrative Order and shall submit a proposed order of reassignment for the signature of the Chief Judge or the Chief Judge's designee.

8. In all situations in which cases are manually assigned or reassigned, the Clerk shall account for these to the extent reasonably practical, and shall assign new felony cases in a manner so as to allow for the redistribution of caseload to obtain a fair and equal assignment of cases among judges serving in the Lee County Circuit Criminal division.



9. As it relates to capital murder cases, or any other cases involving the death of a victim, the Lee County Administrative Felony Judge is authorized to monitor the caseloads of the judges serving in the Lee County Circuit Criminal division and may, within the discretion of the Lee County Administrative Felony Judge, recommend to the Chief Judge, or the Chief Judge's designee, the reassignment of any such cases so as to allow for the redistribution of caseload to obtain a fair and equal assignment of capital murder cases, or any other cases involving the death of a victim, among judges serving in the Lee County Circuit Criminal division.

10. Exceptions to this Administrative Order may be made at the discretion of the Chief Judge or the Chief Judge's designee.

11. This Administrative Order shall be effective immediately and shall apply to the assignment and reassignment of cases in the Lee County Circuit Criminal division.

12. To the extent that this Administrative Order may conflict with any prior Administrative Order, this Administrative Order shall prevail.

13. To the extent that this Administrative Order may conflict with any rule, law, or statute, the rule, law, or statute shall prevail.

DONE AND ORDERED in Chambers, in Fort Myers, Lee County, Florida, this 18th day of April, 2022.



Michael T. McHugh
Chief Judge

History. – Administrative Order 3.27 (Nov. 22, 2010); Administrative Order 3.27 (October 21, 2019).

