

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

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

**Administrative Order
3.34**

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. Gen. Prac. & Jud. Admin. 2.215(b), **ORDERED** as follows as it relates to felony cases in Collier County:

1. In any case in which a single defendant has more than one pending felony case¹ in Collier County, the additional felony case(s) shall be assigned by the Clerk to the judge assigned to the pending felony case with the lowest open case number once the Clerk becomes aware of the relationship between the cases. If the Clerk has not become aware of the relationship between cases prior to arraignment, the Office of the State Attorney shall be responsible for informing the Clerk of

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.

such relationship at the time of arraignment on the new charge; and the Clerk shall assign the cases as stated above.

2. In cases in which the State has filed felony charges against more than one defendant arising from the same set of facts, transactions, or occurrences, those cases shall be assigned by the Clerk to the judge assigned to the pending felony case with the lowest open case number. The Office of the State Attorney shall attempt to inform the Clerk at or before arraignment of the relationship between cases so that the appropriate assignments can be effectuated.

3. In cases in which the State has filed felony charges against more than one defendant arising from the same set of facts, transactions, or occurrences, and one or more of the defendants have unrelated pending felony cases, the judge assigned to the lowest case number overall 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 unrelated pending felony cases, shall be reassigned to that judge. The Office of the State Attorney shall attempt to inform the Clerk at or before arraignment of the relationship between cases so that the appropriate assignments can be effectuated.

4. In the unique circumstance 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 Collier County Administrative 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 Collier County Circuit Court Administrative Judge and consideration of the written request submitted by the Office of the State Attorney.

5. In any case in which the defendant has previously been sentenced to community control or probation, and the defendant is subject to a violation of probation proceeding based upon

a new felony charge in Collier County, any proceeding initiated by the State upon the new charge shall be assigned by the Clerk to the judge assigned to the violation of probation proceeding once the Clerk becomes aware of the relationship between cases. If the Clerk has not become aware of the relationship between cases prior to arraignment, the Office of the State Attorney shall be responsible for informing the Clerk of such relationship at the time of arraignment on the new charge.

6. 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 judge assigned to the previously dismissed or disposed case. In the event that the judge has since retired or is no longer serving in the Collier 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 inform the Clerk at or before arraignment so that the appropriate assignment can be effectuated.

7. If information regarding the relationship between cases is not known at the time of arraignment, the Office of the State Attorney shall be responsible for requesting reassignment of the more recent felony case(s) in accordance with this Administrative Order and shall submit a proposed Order of Reassignment for the signature of the Administrative Judge.

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 to allow for the fair and equal assignment of cases among judges serving in the Collier County Circuit Criminal Division.

9. As it relates to capital murder cases, or any other cases involving the death of a victim, the Collier County Administrative Judge is authorized to monitor the caseloads of the judges

serving in the Collier County Circuit Criminal Division and may, within the discretion of the Collier County Administrative Judge, recommend to the Chief Judge, or the Chief Judge's designee, the reassignment of any such cases so as to allow for the equal assignment of capital murder cases, or any other cases involving the death of a victim, among judges serving in the Collier County Criminal Division.

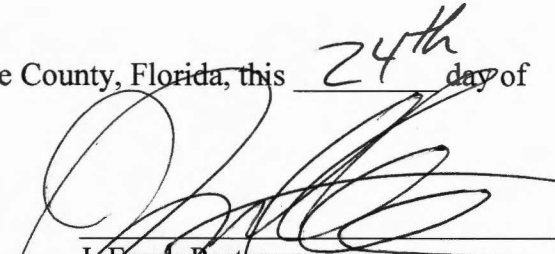
10. Exceptions to this Administrative Order may be made at the discretion of the Chief Judge or the Chief Judge's designee.

11. This Administrative Order shall be effective immediately and shall apply to the assignment and reassignment of cases in the Collier County 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 Lee County, Florida, this 24th day of Aug, 2023.



J. Frank Porter
Chief Judge

History – Collier County Circuit Court Supplemental Order, Re: Case Assignments (January 9, 2009).