

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

ORDER ESTABLISHING PROTOCOL FOR THE DETERMINATION OF  
CREDIT FOR TIME SERVED IN CRIMINAL CASES  
IN LEE COUNTY

Pursuant to this Court's inherent authority to administer and regulate the Courts of the Twentieth Judicial Circuit, as well as the authority prescribed by Fla. R. Jud. Admin. 2.050, the Court hereby establishes a protocol for the determination of credit for time served by persons under a sentence of the Court for crimes committed in Lee County, Florida.

For the purposes of this order, the Court hereby recognizes that the correct determination of credit for time served is reliant upon the cooperation of the Lee County Sheriff, the State Attorney, the criminal defense attorney and the Clerk of the Circuit Court. The purpose of this order is to limit, to the extent possible, the number of cases where incorrect determinations of credit for time served have resulted in various forms of postconviction motions.

Based upon the foregoing, it is **ORDERED AND ADJUDGED** as follows:


1. The primary responsibility for the correct determination of credit for time served rests with the trial judge assigned to the case; however, this Court recognizes that any such determination is largely dependent upon information supplied by the attorneys for the State and the defense. Accordingly, the primary duty for providing correct information to the Court rests with counsel.

2. The Sheriff of Lee County, as the constitutional officer charged with the responsibility of housing pretrial detainees, perhaps is in the best position to provide the most accurate information to counsel and to the Court regarding the number of days any inmate has served in the Lee County Jail. The Court hereby requests that the Sheriff devote the resources


necessary to ensure that a correct and proper determination of credit for time served is supplied to the Court at the time of each sentencing.

3. The Court hereby requests that the Clerk of the Circuit Court through his deputies assist in calculating the amount of credit for time served which is applicable to each criminal case by making a notation on the file jacket of each such case. Counsel should be prepared to provide such information at every critical stage of the proceeding in each criminal case throughout Lee County.

**DONE and ORDERED** in Chambers in Fort Myers, Lee County, Florida, this 29<sup>th</sup>  
day of April, 1999.

  
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Hugh E. Starnes  
Chief Judge

ATTEST:

  
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William D. Wilkinson, Sr.  
Court Administrator