

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

IN RE: CRIMINAL CONFLICT AND
CIVIL REGIONAL COUNSEL

**ORDER VACATING
TEMPORARY
ADMINISTRATIVE
ORDER**

WHEREAS, Laws of Florida, Chapter 2007-62, section 4, creates section 27.511, Florida Statutes, for the purpose of establishing offices of criminal conflict and civil regional counsel within the geographic boundaries of each of the five district courts of appeal; and

WHEREAS, section 27.511, Florida Statutes, provides that, effective October 1, 2007, the offices of criminal conflict and civil regional counsel shall be appointed and shall provide legal services to persons determined to be indigent in cases in which the court grants the Public Defender's motion to withdraw due to a conflict of interest; and

WHEREAS, section 27.511, Florida Statutes, further provides that effective October 1, 2007, the offices of criminal conflict and civil regional counsel shall be appointed and shall provide legal services to persons determined to be indigent in certain appellate and civil cases as enumerated in section 27.511, Florida Statutes; and

WHEREAS, Laws of Florida, Chapter 2007-62, section 31, expresses the intent of the Legislature that the offices of criminal conflict and civil regional counsel begin assuming representation of eligible individuals on October 1, 2007, but acknowledges that the regional offices may not be fully operational on that date, and further expresses the intent that each regional office be fully operational no later than January 1, 2008; and

WHEREAS, on December 20, 2007, the Honorable P. Kevin Davey, Circuit Judge of the Second Judicial Circuit in and for Leon County, Florida, issued an order granting a petition to be

a true and correct copy of the original on file in my office.
Charlie Green, Clerk Circuit Court, Lee County, Florida
Dated: 1-8-08

By M. Montgomery
Deputy Clerk

writ of quo warranto and quashing the appointments of Regional Counsel, including Jackson Flyte, Regional Counsel for the Second District, and enjoining Regional Counsel from performing any duties pursuant to Chapter 2007-62, Laws of Florida; and

WHEREAS, a notice of appeal has been filed acting as a stay of Judge Davey's order pending appellate review as per Fla. R. App. P. 9.310(b)(2); and

WHEREAS, previous Temporary Administrative Orders and amended Temporary Administrative Orders have been entered delaying, in part, the appointment of the office of Regional Counsel within the Twentieth Judicial Circuit;

It is hereby **ORDERED** pursuant to the authority vested in the Chief Judge by Fla. R. Jud. Admin. 2.215, as follows:

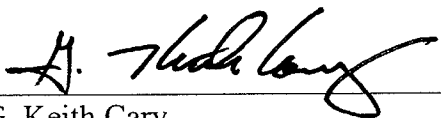
1. Any and all previous Temporary Administrative Orders and amended Temporary Administrative Orders delaying the appointment of the office of Regional Counsel are **VACATED**, effective Monday, January 14, 2008.

2. Effective Monday, January 14, 2008, the office of Regional Counsel shall be appointed in all appropriate criminal conflict and civil cases within the Twentieth Judicial Circuit, without exception, in accordance with the provisions of Fla. Stat. 27.40(1).

3. Private counsel from the Chief Judge's Registry shall continue to be appointed during the interim period prior to the effective date of Monday, January 14, 2008. The only exception is in capital murder cases in which the State has not waived the death penalty as a possible sentence. In capital murder cases in which the State has not waived the death penalty as a possible sentence, it has been directed by previous orders that the office of Regional Counsel be appointed effective October 1, 2007, and such appointments of the office of Regional Counsel shall continue.

4. Effective Monday, January 14, 2008, private counsel from the Chief Judge's Registry shall only be appointed in cases in which the office of Regional Counsel is unable to provide representation due to a conflict of interest, in accordance with the provisions of Fla. Stat. § 27.40(2)(a).

DONE AND ORDERED in chambers in Fort Myers, Lee County, Florida, this 4th day of January, 2008.



G. Keith Cary
Chief Judge

History. – Temporary Administrative Order (Sept. 28, 2007); amended Temporary Administrative Order (October 29, 2007); amended Temporary Administrative Order (December 4, 2007); amended Temporary Administrative Order (December 21, 2007).