

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 OF JANUARY 14, 2007

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 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 Thursday, December 20, 2007, the Honorable P. Kevin Davey, Circuit Judge of the Second Judicial Circuit in and for Leon County, Florida, Case No. 2007-CA-2008, issued an order granting a petition for 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

I certify this document to be
a true and correct copy of the
original on file in my office.
Charlie Green, Clerk Circuit
Court, Lee County, Florida
Dated: 1-17-08

Charlie Green
Deputy Clerk

FILED
CLERK OF CIRCUIT COURT
LEON COUNTY, FLORIDA
2008 JAN 17 PM 4:04

WHEREAS, the filing by Respondents of the notice of appeal acted as an automatic stay of Judge Davey's order quashing the appointments of Regional Counsel pending appellate review as per Fla. R. App. P. 9.310(b)(2); and

WHEREAS, on Friday, January 11, 2008, the Honorable P. Kevin Davey, Circuit Judge of the Second Judicial Circuit in and for Leon County, Florida, issued an "Order Granting in Part and Denying in Part Petitioner's Motion to Declare Automatic Stay Inapplicable or, Alternatively, Dissolve Automatic Stay;" and

WHEREAS, a Temporary Administrative Order was entered by the undersigned on Monday, January 14, 2008, so as to put into effect the intent of Judge Davey's order prohibiting further appointment of cases to the office of Regional Counsel after certain dates; and

WHEREAS, on Thursday, January 17, 2008, subsequent to entry of the above-referenced Temporary Administrative Order, the Florida Supreme Court issued an order (a copy of which is attached hereto) vacating Judge Davey's previous order of January 11, 2008, and reinstating the automatic stay of proceedings in favor of the Hon. Charles J. Crist, Jr., et al., including Regional Counsels, who are public officials acting in their official capacity;

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

1. The previously entered Temporary Administrative Order of January 14, 2008, directing that the appointment of cases to the office of Regional Counsel cease after January 18, 2008, in criminal cases, and cease after January 31, 2008, in civil cases is hereby **VACATED**.

2. Effective immediately, 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).

4. Effective immediately, 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 17
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); Order Vacating Temporary Administrative Order (January 4, 2008); Temporary Administrative Order (January 14, 2008).

Supreme Court of Florida

THURSDAY, JANUARY 17, 2008

CASE NO.: SC08-2

Lower Tribunal No(s): 2007-CA-2898,
1D07-6544

HON. CHARLES J. CRIST, JR.,
ET AL.

vs.

FLORIDA ASSOCIATION OF
CRIMINAL DEFENSE
LAWYERS, INC.

Appellant(s)

Appellee(s)

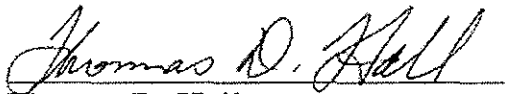
The Court has considered the Appellants' emergency motion to reinstate the automatic stay provided to them under Florida Rule of Appellate Procedure 9.310(b)(2) in appeals taken by the State of Florida and by public officials acting in their official capacity; and the Court has further considered the trial court's order, the responses filed by the parties in the trial court and in this Court, the record in this cause, and the criteria for vacating automatic stays, and hereby concludes that Appellee, Florida Association of Criminal Defense Lawyers, Inc., has not demonstrated the compelling circumstances required for vacating Appellants' automatic stay that is provided under rule 9.310(b)(2). Accordingly, it is ordered that the motion to reinstate the automatic stay filed pursuant to rule 9.310(b)(2) is granted and the trial court's order dated January 11, 2008, which in part vacated the

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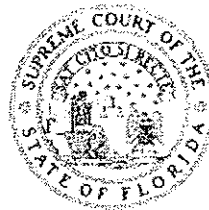
automatic stay, is hereby vacated. The automatic stay of proceedings in favor of Appellants, who are public officials acting in their official capacity, is reinstated.

LEWIS, C.J., and WELLS, PARIENTE, QUINCE, CANTERO, and BELL, JJ.,
concur.
ANSTEAD, J., did not participate.

A True Copy
Test:



Thomas D. Hall
Clerk, Supreme Court



ab
Served:

HON. JON S. WHEELER, CLERK
LOUIS F. HUBENER
HON. P. KEVIN DAVEY, JUDGE
D. TODD DOSS
HON. BOB INZER, CLERK
SONYA RUDENSTINE
SCOTT D. MAKAR