

THE ELEVENTH JUDICIAL CIRCUIT
DADE COUNTY, FLORIDA

CASE NO. 79-1
(Court Administration)

IN RE: ASSIGNMENT OF CASES
IN THE CRIMINAL DIVISION OF
THE CIRCUIT COURT

ADMINISTRATIVE ORDER
NO. 79-4

PURSUANT TO the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, the following procedures shall be adhered to in the assignment of cases in the Criminal Division of the Circuit Court:

All cases hereafter filed in the Criminal Division of the Circuit Court of the Eleventh Judicial Circuit, Dade County, Florida, shall be assigned to the various Sections of the Court by the Clerk thereof under a blind filing system historically utilized in making such assignments, or any similar method, which will result in such cases being filed equally among the various Sections of the Court in an unpredictable manner.

Provided, however, that exceptions thereof shall be:

1. In cases filed against an individual defendant having other matters pending in this Court, such cases shall be assigned to the Section of the Court wherein such previously filed case bearing the lowest case number is pending.
2. In cases wherein multiple defendants are charged, such cases shall be assigned to that Section in which any defendant has pending a previously filed case; and, should more than one of such defendants have pending a previously filed case, the Section of Court wherein the lowest numbered case is pending shall be the Section of Court to which the entire case shall be assigned.
3. For purposes of this Administrative Order, all cases in which a defendant is on active probation (i.e., wherein defendant has not been discharged from probation) shall be deemed pending cases, as well as all cases in which there has not been an adjudication and sentence or final order of disposition, including any case in which the commitment has not issued, and nunc pro tunc orders shall in no manner affect such assignments, as the status of a case will be determined as of the date of filing of a new case.

4. It shall be the duty and joint responsibility of the Clerk of the Court, the State Attorney's Office, and defense attorneys to inform the Court of the pendency of any previously filed case which would affect the proper assignment of every case filed thereafter.

5. If the pendency of a previously filed case is not brought to the attention of the Court until the newer case is so close to the trial date that a transfer would cause a continuance, the newer case will remain in the blind filed Section unless a transfer is agreed upon by the Judge of the Section to which it is proposed to transfer such case.

6. Notwithstanding all of the foregoing, the Administrative Judge may:

- (a) alter the filing system temporarily to provide for a different distribution of cases for a lengthy absence of a Judge for any reason;
- (b) alter the distribution upon good cause, such as emergencies;
- (c) alter the share of cases assigned to any Judge having additional duties other than casework, such as the Administrative Judge;

but in any such altering shall preserve the unpredictable manner of the assigning of the individual case.

DONE AND ORDERED in Chambers at Miami, Dade County, Florida, this 2nd day of January, 1979.

EDWARD D. COWART, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA