

**THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA**

**CASE NO. 19-1
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 19-02**

**IN RE: ASSIGNMENT AND
REASSIGNMENT OF CASES
IN THE CRIMINAL DIVISION
OF THE CIRCUIT COURT**

WHEREAS, in an effort to establish a comprehensive policy for the assignment and reassignment of cases in the Criminal Division of the Circuit Court; and

WHEREAS, the Clerk of the Court has continuously applied the procedures outlined below;

PURSUANT TO the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida under Rule 2.050 of the Florida Rules of Judicial Administration, the following procedures shall be adhered to in the assignment of cases in the Criminal Division of the Circuit Court:

The initial assignment of cases within the Criminal Division of the Circuit Court of the Eleventh Judicial Circuit, Dade County, Florida, shall be made by the Clerk of the Court under a blind filing system historically utilized in making such assignments, or any similar method that 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 the same Court location, such cases shall be assigned to the Section within that Court location 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 and, should more than one of such defendants have pending a previously filed case, the Section of the Court wherein the lowest numbered case is pending shall be the Section of the Court to which the entire case shall be assigned. If any of the multiple defendants have been charged with combined misdemeanor and criminal traffic charges, the entire case shall be assigned to the Blind File Section of the traffic charge. If more than one of such

defendants has combined misdemeanor and criminal traffic charges, the entire case shall be assigned to the Blind File Section of the lowest numbered traffic case.

3. For purposes of the 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 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 been 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 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 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 the transfer is approved by the Administrative Judge of the Criminal Division of the Circuit Court.

6. Notwithstanding the foregoing, the Administrative Judge of the Criminal Division of the Circuit Court, or his or her designee, 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 or the creation of additional sections of the Criminal Division;
- (c) Alter the share of cases assigned to any Judge having additional duties other than casework such as the Administrative Judge.
- (d) Implement a modified blind filing system for first degree murder cases in order to provide for a more equitable distribution of such cases.
- (e) Reassign cases to "Back-up Sections" to facilitate the trial and disposition of cases. The general operating format for these Back-up Sections shall be as follows:
 - (1) Cases will be prioritized on the basis of age of the case, the defendant's custodial status, and the requirements of the speedy trial rule and law.
 - (2) Eligibility of cases to be assigned to the Back-up Sections and the procedures associated with the day to day operations of the backup system shall be determined by the Administrative Judge of the criminal Division or a designee.

7. Upon the disqualification or recusal of the presiding Judge in any case within the Criminal Division of the Circuit Court, the reassignment of such cases shall be made by the Clerk of the Court under a blind filing system historically utilized in making the

initial assignment, or any similar method that will result in such cases being filed equally among the various Sections of the Court in an unpredictable manner.

This Administrative Order shall be effective upon signing.

DONE AND ORDERED in Chambers at Miami-Dade, Florida, this 10th day of May, 2019.

**BERTILA SOTO, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**