

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT IN AND
FOR SEMINOLE COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO:
20-30 S - AMENDED
SUPERSEDES 19-25-S AMENDED

IN RE: JUDGES - DIVISION AND CASE ASSIGNMENTS

The resident Circuit Judges of Seminole County have determined that it is in the best interest of the litigants, attorneys and judges that so far as possible that cases remain with the judges originally assigned for better understanding, efficiency, and savings of time for all involved.

Accordingly,

IT IS ORDERED:

1. Criminal Division (CF)

A. Organization:

The criminal division shall be comprised of Divisions A, E, J and M. All original cases presently assigned to one of those divisions in the clerk's computer shall remain assigned to that division unless the Administrative Judge of the Criminal Division shall order otherwise in a particular case.

The Administrative Judge of the Criminal Division shall be responsible for criminal division operations including, but not limited to, maintaining approximately equal caseload distribution among the various criminal divisions, publication of the Criminal Division Operations Manual, reassignment of cases in which a criminal division judge has recused or been disqualified, and acting as liaison with other components of the criminal justice system.

The Criminal Division Judges shall be assigned secondarily to cases assigned to other judges in the division for the purpose of backing up other judges by taking pleas, ruling on motions, scheduling matters, conducting trials and sentencing defendants in cases over which the back-up judge tried. All judges in the Criminal Division may act in the absence of the judge who is assigned to a case.

B. Assignment of Original Informations:

Original informations and indictments (except for Capital and Jimmy Ryce cases) shall be randomly assigned so that the four (4) criminal divisions are each assigned to 25% of

the cases. Informations filed directly (before the defendant is taken into custody) shall initially be assigned to Division N. These cases shall be reassigned by the clerk in accordance with this paragraph when the defendant is taken into custody, unless there is an active pending substantive case with the same defendant it shall be in accordance with paragraph I.

C. Assignment of Multiple Defendant Cases:

Informations naming multiple defendants shall be assigned to the first judge assigned to the case.

D. Assignment of First Degree Murder and Jimmy Ryce Cases:

The Clerk of Court is responsible, upon the Defendant's arrest, for the assignment of a judge to any first degree murder case. First Degree murder cases will be assigned on a rotating basis among the four (4) criminal divisions beginning with Division J followed by Divisions M, A, and E. The same rotation will continue when a division is assumed by a successor judge. First degree murder and Jimmy Ryce Act cases shall be assigned on a rotating basis among the four (4) criminal divisions in alphabetical order beginning with the next division in rotation. A judge who imposes the death penalty shall remain assigned to the case for all purposes, including all post trial and post-conviction proceedings, whether or not the judgment and sentence is upheld on appeal, regardless of the division of the court to which that judge may be assigned subsequent to the imposition of the death penalty sentence. The Chief Judge shall assign these cases if the judge who imposed the death penalty is no longer in office.

E. Assignment of Post-Conviction Relief Cases (3.850) and Motions for Correction, Reduction and Modification of Sentence (3.800):

These cases shall be assigned to the judge who is assigned to the division designated on the file.

F. Consolidation of Misdemeanor Cases with a Felony Charge Arising Out of the Same Circumstances:

The Clerk of the Court shall consolidate misdemeanor cases arising out of the same facts as a felony case into the felony case. All papers in the misdemeanor case shall be filed in the felony case and the case shall be set for arraignment on the next open felony arraignment docket before the assigned judge. The felony information shall contain the felony case number and show the former misdemeanor case number.

G. Assignment of Violations of Probation and Miscellaneous Cases:

Violations of probation or community control, adult consequences alternatives, habeas corpus actions contesting the legality of a prisoner's detention, and any other action filed in a criminal case shall be assigned to the division designated on the file. If the file does not contain a current division designation, such as old cases, the case shall be assigned according to the following schedule, using the last two numbers in the case:

Division A:	Cases ending in 00-24.
Division E:	Cases ending in 25-49.
Division J:	Cases ending in 50-74.
Division M:	Cases ending in 75-99.

H. Assignments of Writs of Mandamus, Certiorari, and Prohibition Arising Out of Criminal Charges in the Seminole County Court:

The Clerk shall deliver Petitions for Writs of Mandamus, Certiorari, and Prohibition filed in the circuit court and arising out of criminal charges in Seminole County Court to the Criminal Division Administrative Judge for action and assignment within the Criminal Division.

I. Consolidation of Related Cases Involving the Same Defendant:

Substantive cases involving the same defendant in two or more divisions in Circuit Court shall be reassigned to the division with the lowest case number, *sua sponte*, by the clerk unless at least one of the cases has been resolved by trial. Should a case have been tried as the date of this Order, the judge who tried the case against a defendant shall sentence the defendant on that case and on all other cases then pending for sentencing with that defendant. Any subsequent substantive new case obtained by the same defendant shall be consolidated with the pending substantive case with the lowest case number. Consolidation of said new case shall be made by the clerk at the time of the arrest and assignment of the case number, if an information or indictment has not been filed as of that time. Otherwise, should an information or indictment be filed prior to arrest, the consolidation of said new substantive case shall be made by the clerk at the time of the filing of the information or indictment.

J. Consolidation of Related Cases Involving Violations of Probation or Community Control:

Violations of probation or community control cases involving the same defendant and pending in two or more divisions shall be assigned to the division with the lowest case number *sua sponte*, by the clerk, or upon motion by either party. Defendants who have a new substantive felony case in Seminole County and who have a violation of probation or community control pending shall have the new violation case(s) consolidated with the new substantive case if the violation alleges the new substantive case as a ground for the violation. Consolidation shall be made by the clerk after an information or indictment has been filed in the new substantive case at the next violation of probation or community control arraignment date.

K. Failure to Appear:

Defendants who are arrested for failure to appear for docket sounding or trial shall be placed on the next docket sounding docket before the assigned judge. Defendants who are arrested for failure to appear for violations of probation or community control shall be placed on the next violation of probation docket before the assigned judge.

L. Disposition of Cases in Which Juvenile Sanctions Are Imposed:

In any case in which a criminal division judge imposes juvenile sanctions, the case shall remain assigned to the criminal division judge, as required by F.S. 985.565(4)(d).

2. Juvenile Division (CJ)

A. The juvenile division shall be comprised of divisions B and P. All cases presently assigned to those divisions in the clerk's computer shall remain assigned to that division unless the judge assigned to that division shall order otherwise in a particular case.

- B. All new dependency filings shall be assigned equally by the Clerk to divisions B and P at the time of filing regardless of the case number.
- C. All new delinquency filings against a juvenile who is not on probation or conditional release shall be assigned equally by the Clerk. Cases ending in even numbers shall be assigned to Division B. Cases ending in an odd numbers shall be assigned to Division P. Any new charge against a juvenile who is on probation or conditional release shall be assigned to the division previously assigned to that cases or cases.
- D. A delinquency charge filed against a juvenile who is the subject of an active dependency case shall be assigned to the division assigned the dependency case. If the case involves co-defendants then all co-defendants' cases shall be assigned to the division assigned the dependency case. If more than one co-defendant has an active dependency case then the division with the dependency case having the lowest case number shall be assigned all the delinquency cases.

3. **Probate, Guardianship, and Mental Health (CP)**

- A. The probate, guardianship, and mental health division shall be assigned to the juvenile divisions. All probate, guardianship, and mental health cases pending on July 1, 2020, or filed thereafter shall be assigned as follows: Cases ending in an even number shall be assigned Division B. Cases ending in an odd number shall be assigned to Division P.
- B. All matters pending in probate, guardianship, and mental health cases shall be heard at the Juvenile Justice Center. The clerk shall make arrangements to store or transport any files not electronically available through the Judicial Viewer or Clerks online electronic file system to the Juvenile Justice Center in time for scheduled hearings or at the request of the judge.

4. **General Civil Cases (Including Forfeiture Actions and Excluding Jimmy Ryce Act Cases) (CA)**

- A. The civil division (including forfeiture cases, but excluding Jimmy Ryce Act cases) shall be comprised of divisions G, K, L and W. All pending general civil cases filed prior to July 1, 2020 shall be randomly reassigned so that each division receives an equal and proportionate share of each case type.
- B. Any new civil case filed on July 1, 2020 and after shall be randomly assigned so that each division will receive an equal and proportionate share of each case type.
- C. Any general civil case that is not presently assigned in the clerk's computer to divisions G, K, L or W shall be reassigned when reactivated on a rotating basis among the divisions beginning with the next division in rotation.

5. **Family Division (Except Actions Pursuant to F.S. 784.046) (DR)**

- A. The family division (except actions filed pursuant to F.S. 784.046 and actions filed pursuant to F.S. 741.30 that are not Unified Family Court injunction actions) shall be comprised of Divisions G, K, L and W. All cases presently assigned to one of those divisions in the clerk's computer shall remain assigned to that division unless the judge assigned to that division shall order otherwise in a particular case.
- B. Any new family case filed on July 1, 2020 and after shall be randomly assigned so that each division will receive an equal and proportionate share of each case type with the

exception of actions filed pursuant to F.S. 741.30 which shall be assigned pursuant to the existing Family Division - Model Family Court Administrative Order.

- C. Any family case that is not presently assigned in the clerk's computer to divisions G, K, L or W shall be reassigned when activated on a rotating basis among the divisions beginning with the next division in rotation.

6. **Actions for Injunction for Protection Against Domestic Violence (F.S. 741.30) and Actions for Injunction for Protection Against Repeat Violence, Sexual Violence or Dating Violence (F.S. 784.046) as amended and Actions for Injunction for Protection Against Stalking (F.S. 784.048) respectively.**

- A. Upon the filing of a Petition for Injunction for Protection Against Domestic Violence which qualifies as a Unified Family Court injunction as defined in existing Family Division - Model Family Court Administrative Order, the clerk shall first determine if any of the children named in the petition are the subject of an open juvenile dependency case in Seminole County. If they are, the clerk shall forward the petition together with all open and closed family case files to the division assigned to the open juvenile dependency case for action by that judge. If there is no open dependency case, the clerk will then determine whether there is an open or closed family law case involving the parties. If there is, the clerk will forward the petition together with all open and closed family case files to the division assigned to the open or closed family law case. If there is no open or closed family law case, the clerk will forward the petition to the judge in the family law judicial rotation schedule furnished to the clerk for review of the petition.
- B. Except as herein below provided, all other Petitions for Injunctions Against Domestic Violence filed pursuant to F. S. 741.30 and all Petitions for Injunctions for Protection Against Repeat Violence, Sexual Violence, and Dating Violence filed pursuant to F. S. 784.046 including Petitions for Injunction Against Stalking filed pursuant to F. S. 784.048 shall be forwarded along with any open or closed family case files involving any party to the Seminole County judge designated in a rotation furnished to the clerk from the Seminole County Court judges to handle injunctions for that particular week.
- C. The exception to the above provision is that any Petition seeking an Injunction for Protection Against Sexual Violence in which it is alleged that sexual violence is perpetrated by a child or upon a child shall be transferred and reassigned to a presiding juvenile division circuit judge for a return/review hearing. A Seminole County Judge initially shall review the Petition to determine the necessity of a Temporary Injunction, Hearing on the Petition or Dismissal. If a Temporary Injunction is entered or hearing granted, then the reassignment and transfer to a Juvenile Division Circuit Judge shall occur without delay and the assigned Juvenile Division Circuit Judge shall conduct such return hearing in accordance with the time limitations required by law.

7. **Retention of Cases:**

The interest of justice may require that a judge retain assignment over one or more cases that would customarily be transferred to another judge at the time of the annual rotation of judicial assignments. Any Circuit Judge may elect to retain assignment of individual cases and shall accomplish this by entering an order directing to the Clerk not to reassign the case.

8. Habeas Corpus:

A. Civil:

Habeas Corpus actions in pending cases shall be assigned to the division in that case. A new Habeas Corpus action that does not allege unlawful detention in a jail, correctional facility, juvenile detention facility or medical facility shall be assigned to each division like other general civil cases.

B. Probate, Guardianship and Mental Health: Habeas Corpus actions related to a probate, guardianship, or mental health case shall be assigned as follows: Cases ending in an even number shall be assigned to Division B. Cases ending in an odd number shall be assigned to Division P.

C. Juvenile:

Habeas Corpus actions related to a juvenile case shall be assigned to the judge assigned to the case if the detention alleged to be illegal involves a delinquency case pending in the Juvenile Division. Other Habeas Corpus actions involving a juvenile who is detained in the Juvenile Detention Center, the County Jail or other state detention or commitment facility shall be assigned as follows: Cases ending in an even number shall be assigned to Division B. Cases ending in an odd number shall be assigned to Division P.

9. Assignment of Judges to Divisions:

The circuit judges assigned to the divisions of the court from July 1, 2020 until June 30, 2021 are as follows:

Division A: Debra S. Nelson – Criminal

Division B: Kenneth R. Lester, Jr. - Juvenile/ Probate/Guardianship/Mental Health

Division E: Marlene Alva – Criminal

Division G: Michael J. Rudisill – Civil/Family

Division J: Melissa Souto – Criminal

Division K: Donna McIntosh – Civil/Family

Division L: Jessica Recksiedler – Civil/Family

Division M: Melanie Chase – Criminal

Division P: John Galluzzo – Juvenile/Probate/ Guardianship/Mental Health

Division W: Susan Stacy – Civil/Family

DONE AND ORDERED this 24th day of June, 2020.

LISA DAVIDSON
LISA DAVIDSON
CHIEF JUDGE

Distribution:

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