

IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT OF FLORIDA

ADMINISTRATIVE ORDER NO. 2009-011

IN RE: FIRST APPEARANCE HEARINGS

WHEREAS, the Florida Supreme Court amended FRCrP 3.130 mandating that the state attorney or an assistant state attorney and the public defender or an assistant public defender shall attend first appearance proceedings either in person or by other electronic means; and

WHEREAS, the Florida Supreme Court mandated that first appearance proceedings shall be held with adequate notice to the state attorney and public defender; and

WHEREAS, the Florida Supreme Court mandated that an official record of first appearance proceedings shall be maintained; and

WHEREAS, the recent mandates from the Florida Supreme Court present unique challenges to the Third Judicial Circuit, which is geographically and economically diverse among seven counties,

NOW, THEREFORE, BE IT:

ORDERED that pursuant to the authority vested in me as Chief Judge of the Third Judicial Circuit it is hereby ordered the Third Judicial Circuit shall comply with the mandates of the Florida Supreme Court.

IT IS FURTHER ORDERED that the state attorney and public defender or their duly authorized representative shall communicate with the first appearance judge in each of the seven counties making up the Third Judicial Circuit to determine the most effective means by which the state attorney and public defender or their duly authorized representatives will appear at first appearance consistent with FRCrP 3.130. The means by which the state attorney and public defender may appear shall be determined by the first appearance judge based on the available resources within the county and consistent with the rule.

IT IS FURTHER ORDERED that the court shall maintain an official recording of all first appearance proceedings. Recordings shall be made through such devices as a micro cassette voice recorder, a digital voice recorder, CourtSmart, DVD or other similar device. The type of recording shall be determined by the first appearance judge dependant on available resources within the county.

IT IS FURTHER ORDERED that all first appearance proceeding shall be held at regularly scheduled times when practical at the discretion of the judge conducting first appearance in each respective county.

DONE and ORDERED in Suwannee County, Florida, this 19th day of July, 2009.



DAVID W. FINA, CHIEF JUDGE

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7/10/09
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