

**IN THE COURTS OF THE FIRST JUDICIAL CIRCUIT**

**THE STATE OF FLORIDA**

**ADMINISTRATIVE ORDER NO. 2020-12**

**RE: ADMINISTRATION OF CASES IN WHICH A DEFENDANT IS ARRESTED ON A WARRANT OR CAPIAS FROM ANOTHER FLORIDA JURISDICTION OR COUNTY**

**WHEREAS**, the World Health Organization has declared the outbreak of COVID-19 a pandemic, the Governor of Florida has declared a state of emergency exists, and the Surgeon General and State Health Officer have declared a public emergency exists; and

**WHEREAS**, the Florida State Courts System is continuing to address the massive effect of the COVID-19 pandemic on court operations; and

**WHEREAS**, by the Order of the Supreme Court of Florida, AOSC20-17, the chief judges of the circuit courts are directed to issue directives relating to the administration of cases in which a criminal defendant is arrested on a warrant or capias from another Florida jurisdiction or county;

**NOW THEREFORE**, it is

**ORDERED:**

1. To mitigate the health risks associated with the incarceration and transportation of criminal defendants during the pandemic, when a defendant is arrested on a warrant or capias from another Florida jurisdiction it shall be the policy of the First Judicial Circuit to facilitate communication between the circuit or county where the case originated ("home court") and the circuit or county where the defendant is incarcerated ("holding court"), for the handling of matters on a temporary basis.

2. All judges in the First Judicial Circuit conducting pretrial release and first appearance hearings are hereby directed to address detention and monetary bond or other conditions of pretrial release in the county of arrest, regardless of whether the case is transferred, rather than requiring transport of the defendant to the county where any warrant or *capias* originated.

3. For *capiases* and violation of probation warrants, before setting monetary bond or other conditions of pretrial release, the first appearance judge must obtain relevant information about the case from the issuing judge where the *capias* or warrant originated in order to make a proper decision regarding monetary bond or other conditions of pretrial release. The judge presiding at first appearances may also obtain relevant information from the State Attorney's Office, if necessary.

4. Actions taken by the holding court at first appearance and any pretrial release hearings should be promptly reported to the home court and reflected in the record of the case.

5. The first appearance judge may coordinate with prosecutors, attorneys, and victims in order to utilize Section 910.035, *Florida Statutes*, which allows for pleas of guilty or *nolo contendere* for persons arrested in counties outside of the county of prosecution, upon the consent of the defendant and the state attorney in the county where the crime was committed.

6. In cases that are not handled by a plea or pretrial release such that the defendant will continue to be detained in the jurisdiction of the holding court for an indefinite period of time, all steps will be taken to ensure that the due process rights of the

defendant are protected by facilitating the temporary transfer of the case to the holding court, if necessary.

7. By the Order of the Supreme Court, AOSC20-92, Circuit Judge John L. Miller and Circuit Judge Jan Shackelford have been appointed by the Chief Justice as judges of all other circuits and counties for the limited purpose of handling necessary matters relating to cases of criminal defendants being held indefinitely outside of the jurisdiction in which the defendant's case is pending.

8. These modified court procedures shall remain in place through the close of business on Friday, April 17, 2020, or as provided by subsequent order.

**DONE AND ORDERED** in Pensacola, Escambia County, Florida, this 30<sup>th</sup> day of March, 2020.

  
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**JOHN L. MILLER**  
CHIEF JUDGE

Copies furnished to:

All Judges, First Judicial Circuit  
All Clerks, First Judicial Circuit  
William Eddins, State Attorney, First Judicial Circuit  
Bruce Miller, Public Defender, First Judicial Circuit  
Kasey Watson, Public Information Officer  
Robin Wright, Trial Court Administrator  
Elizabeth Miller, Child Welfare Legal Services/Department of Children and Families  
Mark Jones, Families First Network  
Bryan Carter, Guardian Ad Litem Program  
Candice Brower, Office of Criminal Conflict and Civil Regional Counsel  
Justice Administration Commission  
For Broadcast by: Escambia-Santa Rosa Bar Association  
For Broadcast by: Okaloosa Bar Association  
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