

IN THE COUNTY COURT
OF THE FIFTH JUDICIAL CIRCUIT OF THE STATE OF FLORIDA
IN AND FOR MARION COUNTY

ADMINISTRATIVE ORDER M-2019-7

**ORDER CREATING MARION COUNTY COURT DIVISIONS
AND MAKING ASSIGNMENTS**

This matter having come to the attention of the undersigned upon review of the performance of the Marion County Court following the entry of Administrative Order M-2018-39 on July 19, 2018, and Administrative Order M-2018-63 on October 26, 2018, which review included all of the 4 Marion County Court Judges and representatives of many of the stakeholders in the Marion County Court criminal justice system and being a matter which affects the efficient administration of justice within Marion County and the undersigned having the authority to enter administrative orders pertaining to the efficient administration of justice and being duly advised in the premises, it is HEREBY ORDERED:

1. The intent of this Order is to provide a plan for the division of labor amongst the 4 County Court Judges that will provide the best possible service to the stakeholders of the County Court including the public at large. To do so, the plan provides for 3 County Court criminal divisions - consisting of all "MM", "CT", all criminal "CO" and all criminal "MO" cases - and 1 County Court civil division with some assorted criminal and civil matters being divided up separately to maximize efficiency while providing balance to the workloads. The 3 County Court criminal divisions will be designated County Court Divisions "A", "B" and "C". The 1 County Court civil division will be designated County Court Division "D".
2. County Court Divisions A, B and C will consist of all of the criminal cases assigned to each division with a particular County Judge having responsibility for each division on a rotating and scheduled basis. The assignment of criminal cases to a particular division will be based on when a case is first presented to a County Judge with the case assigned to the division that County Judge is then presiding over with certain exceptions. The case will stay with the division notwithstanding any subsequent judicial assignment changes pursuant to this Order. Accordingly, the Clerk is to generally assign County Court criminal cases - including all "MM" and "CT" cases and all criminal "MO" and criminal "CO" cases - to the division of the County Judge responsible for the particular week and/or proceeding when the case first comes before the County Judge whether for a 1st Appearance hearing or for an Arraignment hearing. In those instances when the case first presents for a 1st Appearance hearing, then the County Judge responsible for that 1st Appearance hearing shall also be responsible to conduct the Arraignment hearing for the case and the Clerk shall so assign those cases accordingly. In those instances when a defendant does not present for a 1st Appearance hearing and also waives having an Arraignment hearing, then the Clerk shall assign those cases to the division of the County Judge responsible for the week during which the defendant's case would normally have been set for an Arraignment hearing. The Clerk shall make an exception to this direction when any of the established and current case assignment practices apply including assigning multiple cases

involving a single defendant to the division of the County Judge regularly assigned the case with the lowest case number, assigning all cases coming before the County Court on a Failure to Appear ["FTA"] Bench Warrant to the division of the County Judge who initially issued the warrant and assigning Violation of Probation ["VOP"] cases to the division of the County Judge who originally sentenced the defendant with all of these exceptions provided the involved County Judge is currently handling criminal cases pursuant to this Order.

Judge McCune's initial division pursuant to this Order shall be deemed County Court Division A. Judge Ritterhoff Williams' initial division pursuant to this Order shall be deemed County Court Division B. Judge Thompson's initial division pursuant to this Order shall be deemed County Court Division C.

3. Judges McCune, Ritterhoff Williams and Thompson will be responsible for handling all regular (non-holiday) weekday 1st Appearance and Arraignment hearings on the following rotation basis during each 3-week period starting on January 7, 2019:

Week 1	Judge McCune;
Week 2	Judge Ritterhoff Williams; and
Week 3	Judge Thompson.

Judge McCune shall remain responsible for the week beginning December 31, 2018. The Clerk is to generally assign criminal cases as set forth in paragraph 2.

The Clerk is to assign all new VOP cases and all cases coming before the County Court on a FTA Bench Warrant to the division of the County Judge who initially imposed the probationary sentence except that any such case in which Judge Landt imposed the original probationary sentence or signed the warrant shall be assigned to Division C.

4. Starting on March 11, 2019, paragraph 3 will no longer apply and all 4 of the County Court Judges will be responsible for handling all regular (non-holiday) weekday 1st Appearance and Arraignment hearings on the following rotation basis during each 4-week period:

Week 1	Judge McCune;
Week 2	Judge Ritterhoff Williams;
Week 3	Judge Thompson; and
Week 4	Judge Landt.

The Clerk is to generally assign criminal cases as set forth in paragraph 2.

5. Given the 4-week rotation schedule set forth in paragraph 4, the Clerk starting on March 11, 2019, shall assign as equally as is reasonably possible to each of County Court Divisions A, B and C 1/3 of all the County Court criminal cases - including all "MM" and "CT" cases and all criminal "MO" and criminal "CO" cases - that were not concluded during each 1st Appearance and Arraignment week assigned to the County Judge who is responsible for County Court Division D pursuant to this Order plus any cases in which that Division D County Judge imposed a deferred commit sentence at 1st Appearance or Arraignment necessitating a subsequent judicial review hearing.

6. Starting on March 11, 2019, and for those cases not previously assigned to a particular County Court Division in which a VOP Warrant or FTA Bench Warrant is served to prompt the re-activation of the case, the Clerk is to assign those cases to the division of the County Judge who initially imposed the probationary sentence or who signed the FTA Bench Warrant provided that judge is currently responsible for a County Court criminal division. If that judge is not currently for a County Court criminal division, then the Clerk is to assign those cases on a rotating basis to County Court Divisions A, B and C. For any of the VOP and FTA cases that have previously been assigned to a particular County Court Division, then those cases should remain assigned to the previously assigned Division.

7. Starting on March 11, 2019, and for any previously closed County Court criminal case that has not previously been assigned to a division and for which case some correspondence, motion or other matter has been filed to prompt the Clerk to re-open the case, the Clerk is to assign those cases on a rotating basis to County Court Divisions A, B and C. For any of those cases that have previously been assigned to a particular County Court Division, then those cases should remain assigned to the previously assigned Division.

8. Starting on January 1, 2019, the Clerk shall assign to County Court Division D all "CC" cases and all "SC" cases except for all landlord/tenant cases that have a "SC" case number. The County Judge responsible for County Court Division D will be responsible for all Small Claims pre-trial proceedings. All County Court civil cases filed prior to January 1, 2019, will remain with the County Judge the civil case was initially assigned to, however, if such a case is closed and then later re-opened, the case will be assigned to County Court Division D upon the re-opening of the case.

9. Each of the 4 County Judges is assigned as follows to County Court Divisions A, B, C and D with each assignment effective for a 6-month period starting on the indicated dates:

	Judge McCune	Judge Ritterhoff Williamis	Judge Thompson	Judge Landt
January 1, 2019	A	B	C	D
July 1, 2019	A	B	D	C
January 1, 2020	A	D	B	C
July 1, 2020	D	A	B	C

10. At least 90 days prior to each of the starting dates indicated in paragraph 9, each County Judge who is responsible for a County Court criminal division during the upcoming 6-month period is to provide in writing to the Clerk a list of all of the docket dates that Judge has planned for the entirety of that upcoming 6-month period. Those dates shall include status hearing dates, pre-trial conference dates, change of plea hearing dates, trial dates, VOP hearing dates and judicial review hearing dates. At least 90 days prior to each of the starting dates indicated in paragraph 9, each County Judge who is responsible for County Court Division D during the upcoming 6-month period is to provide in writing to the Clerk a list of all of the small claim pre-trial dates that Judge has planned for the entirety of that upcoming 6-month period.

11. Prior to rotating to County Court Division D, each County Judge leaving a County Court criminal division shall complete their trial term and schedule any future hearings to the calendar of the next County Judge in rotation for the designated division using the dates required by

paragraph 10. All pending cases on or about the starting dates indicated in paragraph 9 will be reassigned by the Clerk according to the rotation schedule set forth in paragraph 9.

12. Should any assignment issues arise that are not directly addressed by this Administrative Order including when a recusal order has been entered, then those issues shall be referred to the undersigned who will decide the matter.

13. Apart from County Court Divisions A, B, C and D and starting on January 1, 2019, the Clerk shall randomly assign all newly filed "SC" eviction cases as follows:

Judge Thompson	1/2 of all "SC" eviction cases; and
Judge Landt	1/2 of all "SC" eviction cases.

These cases will not be assigned to any County Court division.

14. Apart from County Court Divisions A, B, C and D and starting on January 1, 2019, the Clerk is to assign all infraction cases – the "TR" and "IN" cases and the civil "MO" and "CO" cases – to the judge responsible for the particular month when the case is first scheduled to come before the Court with the rotational assignments as follow:

All odd-numbered months	Judges McCune; and
All even-numbered months:	Judge Ritterhoff Williams.

These cases will not be assigned to any County Court division. Any "TR", "IN", civil "MO" and civil "CO" case that was assigned to Judge Landt or Judge Thompson before January 1, 2019, will remain assigned to that Judge should the case be reopened for any reason on or after January 1, 2019.

15. Judge Ritterhoff Williams will continue to be the presiding judge of the Marion County DUI Court.

16. Judge Thompson will continue to be the presiding judge of the Marion County Mental Health Court.

17. Judge Thompson will continue to be the presiding judge of the Marion County Misdemeanor Drug Court through March 10, 2019. Starting on March 11, 2019, Judge Landt will be the presiding judge of the Marion County Misdemeanor Drug Court.

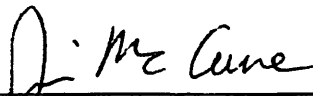
18. Judge McCune will continue to be the presiding judge of the Marion County Veterans Treatment Court.

19. Any County Judge who schedules a hearing in deviation from the directions of this Order will be responsible to reset and re-notice that hearing to be in compliance with this Order while doing all of the work necessary to accomplish the resetting of the hearing. Moreover, if any County Judge has by the date this Order is signed set any hearings for a date after July 1, 2019, then that County Judge will be responsible to reset and re-notice those hearings for a date that complies with this Order while doing all of the work necessary to reset those hearings.

20. To help address an initial imbalance in the criminal case loads, the Clerk is to assign to County Court Division C all County Court criminal cases not disposed of during all 1st Appearances and/or Arraignments held during the weeks beginning January 14, 2019, and January 28, 2019, with all of those cases being added to the pre-trial conference docket currently scheduled for on or about February 18, 2019, before Judge Thompson.

21. This Order shall become effective January 1, 2019, and will supersede Administrative Order M-2018-63 which superseded Administrative Order M-2018-39. An intent of this Order is to avoid the changing of any of the docket dates already set and published for the months of January and February of 2019.

DONE AND ORDERED in Chambers at Ocala, Marion County, Florida, this 7th day of January, 2019, *nunc pro tunc* to January 1, 2019.



James McCune, Jr.

Administrative Judge of the Marion County Court