

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

ADMINISTRATIVE ORDER: M-2022-04

**ORDER REGARDING MARION COUNTY COURT ASSIGNMENTS,
FIRST APPEARANCES, AND COUNTY COURT ARRAIGNMENTS**

(This Order Rescinds Administrative Order: M-2020-56-A)

WHEREAS, Rule 2.215(a) of the Florida Rules of Judicial Administration fixes administrative responsibility for ensuring the efficient and proper administration of all courts within the circuit in the Chief Judge of the Fifth Judicial Circuit, and other judges he may designate;

WHEREAS, the Chief Judge designated the undersigned judge to be the Administrative Judge for Marion County, pursuant to rule 2.215(b)(5), and Administrative Order Number M-2019-52 ordered that all administrative oversight of the County Courts in Marion County will be provided by the Administrative Judge of Marion County; and

It is, therefore, **ORDERED AND ADJUDGED** as follows:

1. **Regarding Marion County Court Assignments:**

- A. The intent of this Order is to simplify all assignments. If a scenario arises that is not specifically addressed in this Order, the intent is to have the case returned to the judge to which it was originally assigned.
- B. Each case number – no matter what the case type – will include the following letters to designate which judge is assigned the case:

Judge Jim McCune – A;
Judge Lori Cotton – B;
Judge Robert Landt – C; or
Judge Tommy Thompson – D.
- C. The following judges will continue to be the presiding judge for the following alternative courts:

Judge Cotton – DUI Court;
Judge Thompson – Mental Health Court; and
Judge Landt – Misdemeanor/Felony Diversion Drug Court.

D. Criminal Cases – All MM, CT, MO, CO cases:

- (1) The four county judges being on a four-week rotation for first appearances/arraignments, the judge who is responsible for first appearance and arraignment of the case will be assigned the case for its duration. (Weekend or holiday first appearance cases will be assigned to the judge who addresses the case at arraignment).
- (2) If a case is reopened for any reason after sentence is imposed, the case shall be heard by the assigned judge. If there is no current assigned judge or the assigned judge is no longer on the county court bench, the case will be reassigned on a rotating basis.
- (3) If a judge already has a case pending, or the defendant is on misdemeanor probation, or the judge has issued a failure-to-appear (FTA) bench warrant, the judge who is assigned the lower case number or who has the defendant on probation or who issued the FTA bench warrant will be assigned any new cases the defendant may receive.
- (4) If a judge is recused at some point before disposition, any further matters will be handled by the judge appointed thereafter.

E. Civil Cases – CC and SC cases (excluding Small Claims Eviction cases):

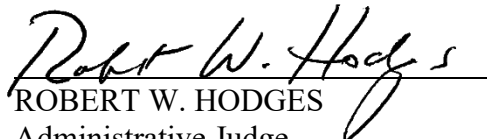
- (1) New county court (CC) cases will be assigned to the four county court judges by the Clerk on a rotating basis.
- (2) Because the four county court judges are on a four-week rotation for small claims (SC) pretrial conferences on Tuesdays, the Clerk will assign SC cases to the judge who handles the SC pretrial. If a case is continued off a judge's SC pretrial docket, it will be continued on that judge's calendar.
- (3) After a civil case is closed in any manner, if any further motions are filed, those motions will be assigned to the judge who was originally assigned the case or, if different, the judge who entered final judgment. If a judge is recused at some point before disposition, any further matters will be handled by the judge appointed thereafter.
- (4) At small claims pretrial conference, cases where both parties are present at the beginning of calling of the docket shall be called first. If a defendant has not been served, the judge may continue pretrials two times, but if the defendant has not been served by the third small claims pretrial date, the judge shall dismiss the case without prejudice to refile.

- F. **Small Claims (SC) Eviction cases:**
The Clerk shall assign all newly filed and 2020 back log small claims eviction cases on a rotating equal basis to Judges Thompson and Landt.
- G. **Civil Infraction cases – TR, IN, and Civil MO and CO cases:**
Judges McCune and Cotton will each be responsible for civil infractions cases for the month when the case is first scheduled to come before the court, with Judge McCune being assigned all odd-numbered months, and Judge Cotton being assigned all even-numbered months. There is a back log from 2020 which shall be equally divided between Judge McCune and Judge Cotton.
- H. Any county judge who reschedules a court event once cases have already been scheduled and noticed by the Clerk’s Office shall be responsible for preparing, filing, and serving an order rescheduling that court event, including mailing service copies to all parties who do not receive service via the Portal.

2. **Regarding First Appearances and County Court Arraignments:**

- A. Regular weekday first appearances will be held every weekday morning beginning at or around 9:00 a.m., per the four county judges’ respective, preferred start times.
 - B. Regular county court arraignment sessions for out-of-custody defendants will be held every Monday, Wednesday, and Thursday beginning at 1:00 p.m. In custody arraignments are to be scheduled by each judge.
 - C. This order shall not apply to holidays and weekends.
 - D. This order shall not preclude the judge responsible for presiding over any first appearance or county court arraignment session from deviating from the provisions of this order to accommodate special circumstances, such as when a Monday arraignment session has to be held on a different day because that Monday is a holiday.
3. This Order shall remain in effect until amended by Administrative Order.

DONE AND ORDERED, in chambers at Ocala, Marion County, Florida, this 13th day of January 2022.


ROBERT W. HODGES
Administrative Judge
Marion County