

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
OF FLORIDA

ADMINISTRATIVE ORDER NO.:

97-4

SUPERSEDES 96-26

IN RE: CLERK OF COURT - PROCESS - CAPIAS

— Upon the filing of a felony information by the State Attorney, the clerk of the court shall first determine if the person or persons named as defendants therein are in custody of the Sheriff of the county or if such person or persons are at large on bail for the same conduct or criminal episode giving rise to the crime charged in the felony information. If such person or persons are not in such custody or on such bond, the clerk of the court shall immediately issue a capias, in the form approved by the court, for the arrest of such person or persons. However, the clerk shall not issue a capias until such time as:

1. The State Attorney files with the clerk an affidavit executed by a law enforcement officer and/or other actual witness(es) that demonstrates probable cause for the charged felony offense(s), or
2. Until such time as the judge assigned to said case, or in his or her absence the duty judge, directs the clerk to issue a capias and endorses the amount of bail, if any.

The clerk shall deliver all such capiases to the sheriff of the respective county for execution.

If the offense is bailable under the bail schedule of the respective county of the circuit (Brevard or Seminole), the clerk shall make an endorsement on the capias to the following effect:

"The defendant is to be admitted to bail in the sum of _____dollars," inserting in the blank sum designated in the respective bond schedule for each county.

DONE AND ORDERED this 19TH day of FEBRUARY, 1997.

JOHN DEAN MOXLEY, JR.
JOHN DEAN MOXLEY, JR.
CHIEF JUDGE

Distribution:

All Circuit and County Judges (Brevard and Seminole County)
Court Administration (Brevard and Seminole County)
Clerk of Court (Brevard and Seminole County)
State Attorney (Brevard and Seminole County)
Public Defender (Brevard and Seminole County)
Sheriff (Brevard and Seminole County)

Bar Association (Brevard and Seminole County)
Law Library (Brevard and Seminole County)
Court Alternatives (Brevard County)
BREVARD DTD 2-26-97 OR BOOK3649 PAGE 0975
SEMINOLE DTD3-13-97 OR BOOK 3208 PAGE 1956