

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT,
IN AND FOR BREVARD COUNTY,
FLORIDA

ADMINISTRATIVE ORDER NO.:
03-10-B

**IN RE: CRIMINAL - SCHEDULING OF ARRAIGNMENT/SECOND APPEARANCE IN FELONY
 CASES**

WHEREAS, Rule 3.160(a), Florida Rules of Criminal Procedure requires that arraignment shall occur in open court or by audiovisual device; and

WHEREAS, Rule 3.160(a), Florida Rules of Criminal Procedure provides that if the defendant is represented by counsel, counsel may file a written plea of not guilty at or before arraignment and thereupon arraignment shall be deemed waived; and

WHEREAS, the existing practice in Brevard County for Felony Cases has been to use the scheduled court appearance of Arraignment (also called Second Appearance) as a means to track cases and defendants until an Indictment, Information, or Notice of No Information is filed by the State; and

WHEREAS, the existing practice in Brevard County for the arraignment of defendants who are charged with a felony has demonstrated inefficiencies of rescheduled court appearances; created delays in arraignment where a written plea of not guilty has been filed by counsel; and created increasingly large arraignment dockets; and

WHEREAS, Rule 2.050, Florida Rules of Judicial Administration authorizes the Chief Judge to oversee and establish procedures that will provide for the efficient scheduling and processing of cases before all courts within the circuit;

THEREFORE IT IS ORDERED that,

1. The Clerk of the Court shall schedule the Arraignment date in all felony cases to occur on the first available arraignment docket four (4) weeks from the date of the defendant's initial arrest. This procedure shall include felony defendants released after initial appearance; felony defendants who are lawfully released on bond or pre-trial release prior to initial appearance; and felony defendants who remain incarcerated after their initial appearance.

2. Felony defendants who are not represented by counsel, (or if represented by counsel, where counsel has not filed a written plea of not guilty), shall be scheduled for subsequent arraignment appearances at four (4) week intervals before the court until arraigned on an Indictment or Information, or until the State files a Notice of No Information.
3. If counsel for the felony defendant files a written plea of not guilty with the Clerk of the Court, (and the state does not file an Indictment, Information, or Notice of No Information by the time of the initial arraignment date), no subsequent court appearance(s) for arraignment shall be scheduled.
4. Upon the filing of an Information or Indictment in a felony case where the defendant's counsel has filed a written plea of not guilty, the Clerk shall set the case to the docket sounding or other proceeding designated by the assigned trial judge. The Clerk shall set the case prior to the expiration of speedy trial.
5. To ensure that felony cases have been properly arraigned, the Clerk of the Court shall provide the arraignment Court, the Office of the State Attorney, and the Office of the Public Defender a report every thirty (30) days identifying any felony case that is pending arraignment for a period of ninety (90) days or longer from the date of the initial arrest.

Done and Ordered this 15TH day of MAY, 2003.

BRUCE W. JACOBUS
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CHIEF JUDGE

Distribution:

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