

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

ADMINISTRATIVE ORDER NO.:
24-18-B AMENDED
SUPERSEDES 24-18

**IN RE: JUDGES - CASELOAD ASSIGNMENTS - ASSIGNMENT OF FELONY CRIMINAL
CASES IN THE CIRCUIT COURT AND COUNTY CRIMINAL CASES FOR BREVARD
COUNTY, FLORIDA**

A. CREATION OF DIVISIONS:

The Felony Criminal Division of the Circuit Court of Brevard County consists of six divisions designated as Criminal Divisions IA, IB, IC, ID, IE, and IF. One of the judges serving in the Felony Criminal Division shall be appointed as Administrative Judge by the Chief Judge of the Eighteenth Judicial Circuit.

B. RESPONSIBILITIES OF JUDGES:

The judge of each Felony Criminal division shall be responsible for the progress and conduct of all cases assigned to that division from inception to conclusion, including, but not limited to pretrial, trial, and post-trial motions, and shall exercise supervision over the preparation of all calendars and dockets of cases assigned to the division. Daily initial appearances at the Brevard County Jail shall continue to be handled by the county court judges of Brevard County. Felony arraignments and second appearances shall be handled by the assigned criminal division judge, or as scheduled on an "Early Resolution" docket.

C. ASSIGNMENT OF CASES FOR CIRCUIT FELONY:

- (1) The Clerk of the Court shall establish an "ALPHABET SYSTEM" for the assignment of felony cases. Case assignments shall be made based on the first initial of the defendant's last name. The "ALPHABET SYSTEM" shall provide for the shifting of cases from one division to another to provide a balanced caseload.
- (2) The objective is for all criminal division judges to receive an equal number of cases .

Upon the filing of an initial charging document (including those charging capital offenses unless the initial charging document is an indictment) in the felony division of the Clerk's Office, the judge division assignment shall be made by the following alphabet assignment:

Cases shall be divided equally among the six sitting felony judges (or their successors) at the Moore Justice Center, and they shall be defined as IA, IB, IC, ID, IE, and IF. Substantive new cases shall be allocated alphabetically by the defendant's last name as follows:

Division IA	C, D, J
Division IB	F, K, L, R, Z
Division IC	G, M, N, O
Division ID	E, H, I, Q, U, W
Division IE	P, S, V, X, Y
Division IF	A, B, T.

- (3) Subsequent charging documents which identify additional defendants who are charged with offenses arising from the same incident shall receive the same judge division assigned as the defendant having the lowest case number. Subsequent cases charging unrelated offenses against the co-defendant shall be assigned by the Clerk as specified in paragraph C (2) above.
- (4) Any case arising from the direct filing of a juvenile case shall be assigned as specified in paragraph C (2) above.
- (5) Violation of probation ("VOP") and violation of community control ("VOCC") cases shall be assigned as specified in paragraph C (2) above.
- (6) Capital Cases:
 - (a) For the purpose of this administrative order, a "capital case" is only a case in which an indictment has been filed charging one or more defendants with first-degree murder.
 - (b) When an indictment is filed that includes a charge of first-degree murder the case shall be assigned/reassigned in succession to those criminal division judges who are certified by the Supreme Court of Florida to handle capital cases, or their successors shall assume their position in the rotation. If an indictment includes more than one defendant, all co-defendants will be assigned to the same judge that was assigned to the first defendant listed in the indictment, and co-defendant cases should stay together if a reassignment of one or more is necessary. The judge shall be "skipped" in subsequent rotation assignments equal to the number of co-defendants charged in the Indictment. If the Chief Judge wishes to be part of the

rotation, he/she will advise the Clerk and the rotation succession shall be so adjusted. If a Notice of Intent to Not Seek the Death Penalty is filed by the State Attorney's Office at the time of the indictment or after then the case shall be assigned according to the capital case rotation.

- (c) Any judge assuming a criminal division shall take the required course on "Handling Capital Cases" before assuming the criminal division if possible, but in any event shall take the course at the earliest opportunity. Each criminal division judge shall comply with all "refresher" education requirements. Until the time that the judge assuming a criminal division takes the required course, any capital cases assigned to that division shall be reassigned to a different division by the Chief Judge. Once the incoming judge is qualified, the Chief Judge will then reassign the cases back to that division.

(7) Post-conviction Motions:

Post-conviction motions are defined as motions filed after the judgment and sentence have been imposed. Post-conviction motions include but are not limited to motions to correct sentences pursuant to Rule 3.800(a); motions to correct sentencing errors pursuant to Rule 3.800(b), motions to reduce and modify pursuant to Rule 3.800(c); motions for correction of jail credit pursuant to Rule 3.801; motions for post-conviction relief pursuant to Rule 3.850 or Rule 3.851; motions for post-conviction DNA testing pursuant to Rule 3.853; and motions for rehearing regarding these motions.

(a) Capital Cases – Death Sentence Imposed:

In capital cases in which the death sentence has been imposed, the case shall stay assigned to the original sentencing judge who imposed the death sentence, whether or not that judge is still presiding in the criminal division. If the sentencing judge is recused, disqualified, retired, or otherwise no longer serving as a circuit judge, then the Clerk shall reassign the case pursuant to paragraph C (2). The case will be assigned to the circuit judge located in Titusville if the original offense is on or North of Camp Road. If the offense is South of Camp Road, the case will be assigned to the circuit judge located in Viera who is assigned the letter of the alphabet that matches the first letter of the defendant's last name:

Division IA	C, D, J
Division IB	F, K, L, R, Z
Division IC	G, M, N, O
Division ID	E, H, I, Q, U, W
Division IE	P, S, V, X, Y
Division IF	A, B, T.

(b) Capital Cases – Pending:

If the death sentence has not been imposed and the case is still pending and unresolved, then the capital case shall not remain assigned to the judge when the judge rotates off the criminal bench. Rather, the case shall remain in the felony criminal division to which it was assigned.

(c) All Cases in which Death was not Imposed:

For post-conviction motions in all cases in which the defendant was not sentenced to death, the case shall be assigned pursuant to paragraph C (2). The case will be assigned to the circuit judge located in Viera who is assigned the letter of the alphabet that matches the first letter of the defendant's last name:

Division IA	C, D, J
Division IB	F, K, L, R, Z
Division IC	G, M, N, O
Division ID	E, H, I, Q, U, W
Division IE	P, S, V, X, Y
Division IF	A, B, T.

(8) Incompetent Felony Defendants:

In a felony case, when a defendant is found incompetent due to Mental Illness, Intellectual Disability or Autism, Civilly Committed as a Sexual Predator or found Not Guilty by reason of Insanity, the case shall remain with the assigned judge as set forth above in paragraph C (2).

(9) The Clerk is directed to monitor the balance of case assignments on a quarterly basis, report the findings to the Chief Judge with a copy to each of the judges in the criminal department, and make any necessary adjustments in accordance with direction received from the Court to ensure a balanced caseload among the divisions. The Felony Division judges will meet semi-annually to recommend equalization adjustments to the Chief Judge. The Clerk shall promptly report any difficulties in maintaining a balanced caseload to the Chief Judge.

(10) Nothing in this Administrative Order prohibits the assigned circuit judges from transferring or adjusting particular case assignments in the interests of justice and judicial economy. For defendants with multiple cases assigned to multiple divisions, a transfer or reassignment is not necessary to effectuate a plea resolution of all cases in one division.

D. ASSIGNMENT OF CASES FOR COUNTY:

The Clerk of the Court shall also establish a system for the assignment of County Misdemeanor Criminal Cases, County Criminal Traffic, Civil Traffic Infractions, County Non-Criminal Infractions, and Municipal and County Ordinance Violations. Case assignments shall be made based on the region of the arresting agency. The system shall assign the aforementioned case types to the designated region. The regions shall be structured as follows:

DIVISION I: NORTH REGION -TITUSVILLE COUNTY CRIMINAL – All arrests that occur on, and north of, Camp Road from the western edge of the Indian River to the western Brevard County line and north to the north Brevard County line, on the mainland only. North Region will also include any offenses committed in Merritt Island, Port Canaveral, and Cape Canaveral.

DIVISION II: CENTRAL/SOUTH REGION -VIERA COUNTY CRIMINAL – All arrests that occur throughout the remainder of Brevard County, excluding those cases to be assigned to Division 1, north region.

E. DUTIES OF ADMINISTRATIVE JUDGE:

The Administrative Judge of both the Circuit Criminal and County Criminal Divisions, in addition to those duties specifically assigned herein, shall be responsible for the general supervision of that department and shall perform those administrative duties necessary to its efficient and effective operation in conformity with the applicable policies, procedures, and rules governing the administration of that department as contemplated by Rule 2.215(b)(5), Florida Rules of Judicial Administration.

F. The Clerk of the Court is directed to modify its procedures as necessary to implement this Order.

G. This Administrative Order is effective August 1, 2024.

DONE AND ORDERED this 11th day of July, 2024.

CHARLIE CRAWFORD
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CHIEF JUDGE

Distribution:
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