

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT  
IN AND FOR POLK COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 2-5.9

PROVIDING SYSTEM FOR RANDOM ASSIGNMENT  
OF FELONY CASES IN POLK COUNTY

WHEREAS, except for first-degree homicide cases and cases relating to the civil commitment of convicted sex offenders (commonly referred to as ‘Jimmy Ryce’ cases), the following procedures shall be followed in the assignment of cases among the divisions of the Felony Division of the Circuit Court in Polk County, commencing upon entry of this Order; and

WHEREAS, in accordance with the authority vested in the Chief Judge under article V, section 2(d), Florida Constitution; section 43.26, Florida Statutes; and Florida Rule of General Practice and Judicial Administration 2.215(b)(2); and

NOW, THEREFORE, it is ORDERED that:

1. There shall be as many divisions of the Court as designated in the Administrative Orders and the amendments thereto entitled Assignment of Judges. Each judge assigned to the Felony Division shall be responsible for judicial management of all cases assigned to his or her division. After assignment, unless the judge is absent or unable to act, the cases shall be heard, tried and determined by the judge to whom it is assigned and by no other judge, except upon reassignment or substitution authorized by the assigned judge.
2. The Polk County Clerk of the Court (“Clerk”) shall, upon the filing of each felony complaint, information, or indictment, build a file for each defendant and enter that information in the felony case maintenance system. The case maintenance system shall then randomly assign the new case to a felony division based on a ratio between the division ordered from time to time by the Chief Judge of the Circuit.
3. Upon a defendant’s first appearance conducted pursuant to Rule 3.130, Florida Rules of Criminal Procedure, the division assignment shall be noted on the Order Following First Appearance Hearing. If the defendant’s first appearance is conducted on a Saturday, Sunday, or legal holiday, the Clerk shall, on the first work day following the first appearance hearing, prepare and forward to the Office of the State Attorney and the Office of the Public Defender, a list which shall contain the defendant’s name, the

agency or case number assigned to the complaint, information, or indictment, and the assigned division.

4. Pre-Trial Release Services shall cause to be generated a case history on each defendant who appears for first appearance pursuant to Rule 3.130, Florida Rules of Criminal Procedure. Said case history shall include the division assignment of any pending case(s) and any case(s) where the defendant is on probation or community control.
5. The Clerk shall search the circuit criminal case maintenance system to determine if the defendant has any pending circuit criminal case. If there is an open case pending against one of the defendants or if one is on probation or community control, the case shall be assigned to the division before whom the other case is pending or by whom the defendant has been placed on probation or community control. If there is more than one open pending case against a defendant, and those cases are assigned to different divisions or if there are open cases pending in different divisions against different co-defendants, the new cases shall be assigned to the division before whom the lowest numbered case is pending. If the State Attorney's Office notifies the Clerk that two or more cases involve co-defendants, the Clerk shall assign the lowest numbered case to a division and place the other cases in that same division.
6. Any new technical violation of probation or community control under the supervision of the Florida Department of Corrections (cases that are without a new Polk County felony law charge) shall be assigned to the FVOP Division or F7 Division. Any new substantive Polk County felony violation of probation or community control charge (cases that include a new Polk County felony law charge) shall be assigned to the section which handled the case when the defendant was originally placed on probation or community control or, if placed on probation or community control in Division F7 prior to the effective date of this Order, to the felony division to which the case was reassigned pursuant to Special Order – In Re: Transfer of Felony Cases entered on November 16, 2023.
7. When cases are to be consolidated, they shall be consolidated into the lowest numbered case; for hearing before the judge to whom the lowest numbered case is assigned. When the State files one information covering multiple case numbers, the cases shall be consolidated into the lowest number.
8. All first-degree homicide cases, as well as all cases relating to the civil commitment of convicted sex offenders (commonly referred to as "Jimmy Ryce" cases), will continue

to be assigned to Division F9, as first set forth by Special Order, entitled “In Re: Creation of New Felony Divisions and Reassignment of First-Degree Homicide and Jimmy Ryce Cases”, dated September 26, 2005.

9. Effective November 22, 2022, Administrative Order 2-5.8, entered on September 1, 2021, is VACATED and SUPERCEDED by this order.

DONE and ORDERED on this 30th day of November, 2023, *nunc pro tunc* to November 22, 2023.

s/JAMES A. YANCEY, Chief Judge

Copies:

All Judges

Clerk of the Court – Polk County

Trial Court Administrator

Office of the State Attorney

Office of the Public Defender

Office of Criminal Conflict and Civil Regional Counsel, Second District

Polk County Court Services Division (PTR)

Electronic Bar Mailing