

IN THE CIRCUIT COURT OF THE
NINETEENTH JUDICIAL CIRCUIT,
IN AND FOR INDIAN RIVER, MARTIN,
ST. LUCIE AND OKEECHOBEE COUNTIES,
FLORIDA.

IN RE:)
FIRST APPEARANCE HEARINGS) ADMINISTRATIVE ORDER NO. 85 - 6
_____)

The undersigned having considered that:

1) Fl.R.Crim.P. 3.130 provides that:

"Except when he has been previously released in a lawful manner, every arrested person shall be taken before a judicial officer either in person or by electronic audiovisual device in the discretion of the court, within twenty-four (24) hours of his arrest. The Chief Judge of the Circuit Court for each County within the Circuit shall designate one or more judicial officers from the Circuit Court, or County Court, to be available for the first appearance and proceedings."

2) The current procedure in some counties of conducting first appearance hearings within the County detention facility to which the press and the public are excluded by the Sheriffs and in which no separate room for court is provided does not comport with the law or the dignity and formality required of a court proceeding, and,

3) It appears that a majority of other Circuits, with many populations less than the Nineteenth Judicial Circuit, conduct their first appearance hearings in a public courtroom, and that the press and the public are entitled to be present, it is hereby:

ORDERED and ADJUDGED as follows:

1) All first appearance hearings shall be held in a public courtroom, at a time and place to be set and published at least 24 hours in advance, seven days a week, including holidays. The offices of the Public Defender and the State Attorney may have representatives at said hearing. Said hearing shall be held only in a courtroom which is open to the general public and the press and which has at least a desk and a chair for the Judge and is separate from the booking and usual administrative offices of a detention facility.

2) Nothing herein shall prevent a county from providing courtroom facilities within a detention center if the public and the press are allowed access thereto. The use of an electronic audiovisual device as authorized by the above Rule is encouraged.

3) In order to insure uniformity within the Circuit, the attached First Appearance Form shall be used at each hearing. This form shall be prepared in advance for each arrested person by the Clerk during regular working days and by the detention center personnel each Saturday, Sunday and Holiday.

4) A schedule of rotation for judges shall be prepared by the Judges in each County, or at the direction of the Chief Judge if no agreement can be reached. Judges may trade duty or accept responsibility for another Judge's duty. Should any judge be unavailable for his assigned duty, it shall be his responsibility to contact another judge to be available.

5) The State Attorney, Public Defender and the Clerk of the Circuit Court are hereby ordered to provide a duty roster of personnel with phone numbers so that they may be notified to appear should the Judge so require.

6) The Sheriff of each County within the Nineteenth Judicial Circuit is hereby ordered to transport each defendant in custody who has been arrested within the previous twenty-four (24) hours to said hearing and to provide adequate security for said hearing. The Sheriff shall also provide an Interpreter at County expense when necessary.

7) The acceptance of a plea of guilty to a misdemeanor and the entry of Judgment and Sentence under R.Cr.P. 3.170(a) is discretionary with the Judge. (See also R.Cr.P. 3.170(j) and 3.172.)

8) Each Judge conducting the First Appearance may determine the place, the time, and whether a State Attorney, Public Defender, and Clerk must be present. It is recommended that the Judges in each County resolve these matters among themselves so that there may be uniformity within that County. A different determination may be made for normal work days and for weekends and holidays.

9) The effective date of this Order is July 1, 1985, except that effective immediately no First Appearance shall be held at any place from which the press and the public are excluded.

DONE and ORDERED in quadruplicate at Stuart, Martin County, Florida, this the 1st day of May, 1985.


Chief Judge C. Pfeiffer Trowbridge

Copies furnished:
All Judges, Clerks, Sheriffs;
Board of Commissioners, State
Attorney, Public Defender, 19th
Circuit
Court Administrator

FELONY MISDEMEANOR EXTRADITION PROBATION VIOLATION _____

IN THE NINETEENTH JUDICIAL CIRCUIT IN AND FOR MARTIN COUNTY, FLORIDA

STATE OF FLORIDA VS _____ CASE NO. _____

CHARGE(S) _____

I. DEFENDANT ARRESTED BY _____ (AGENCY) UPON WARRANT (); UPON CAPIAS (); OTHER (); AND HAVING REVIEWED THE SWORN TESTIMONY AND/OR AFFIDAVIT(S) ATTACHED HERETO OF _____, THE COURT FINDS:

A. _____ PROBABLE CAUSE TO BELIEVE THAT DEFENDANT HAS COMMITTED, AND DEFENDANT SHALL BE HELD TO ANSWER FOR, THE OFFENSE(S) OF _____

B. _____ NO PROBABLE CAUSE TO BELIEVE THAT DEFENDANT HAS COMMITTED, AND DEFENDANT SHALL NOT BE HELD TO ANSWER FOR, THE OFFENSE(S) OF _____

C. _____

II. BOND SET AT _____
DEFENDANT INFORMED AND ADVISED OF:

- () THE CHARGE. DEFENDANT GIVEN COPY OF COMPLAINT.
- () HIS RIGHT TO REMAIN SILENT, THAT ANYTHING HE SAYS MAY BE USED AGAINST HIM.
- () HIS RIGHT TO COMMUNICATE WITH COUNSEL/FAMILY/FRIENDS.
- () HIS RIGHT TO COUNSEL. PUBLIC DEFENDER APPOINTED: YES _____ NO _____

III. PRELIMINARY HEARING SET: _____

BOUND OVER TO: _____ COURT RETURNABLE _____

IV. DEFENDANT PLEAS _____ ADJUDICATION: _____

SENTENCED TO: _____

V. ORDERED: _____

DATE:

JUDGE

FELONY () MISDEMEANOR () EXTRADITION () PROBATION VIOLATION ()

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DATE: _____ JUDGE _____