


PSL



INTER-OFFICE
MEMORANDUM

2001-061

TO: All Clerks of Court in the Nineteenth Judicial Circuit
All Circuit and County Judges in the Nineteenth Judicial Circuit

FROM:  Tom Willis

DATE: March 30, 2001

RE: Administrative Order 2001-02
Court Reporting in Capital Cases

RECEIVED

MAR 30 2001

**ST. LUCIE COUNTY
LAW LIBRARY**

Please file and record the enclosed Original Administrative Order 2001-02.

Chief Judge Paul B. Kanarek requests that each judge familiarize themselves with this Order, especially if they are involved with Capital Cases.

THW/khg

Enclosure

cc: Honorable Bruce Colton
Honorable Diamond Litty
All County Attorneys in the Nineteenth Judicial Circuit
All Local Bar Presidents in the Nineteenth Judicial Circuit
All Court Reporters on the Rotation List for Capital Cases
Law Libraries

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

ADMINISTRATIVE ORDER 2001-02

RE: COURT REPORTING IN CAPITAL CASES

Whereas, Rule 2.070(i), Florida Rules of Judicial Administration was adopted requiring the Chief Judge of each circuit enter an administrative order developing and implementing a circuit-wide plan to expedite the preparation of transcripts in all cases in which the death penalty is sought and in capital post-conviction proceedings, and;

Whereas, the Chief Justice has entered Administrative Order AOSC00-43 which requires a specific format for transcripts in death penalty appeals, and;

Whereas, the undersigned Chief Judge, after consultation with the other Nineteenth Judicial Circuit Court Judges, enters this order as required by the above rule. It is hereby;

ORDERED:

1. Court reporters shall be used in all criminal cases in which the state is seeking the death penalty and in all capital post-conviction proceedings

2. The Court Administrator shall maintain a list of court reporters who have agreed to provide court reporting services at the rates established by this order. Assignments shall be made on a rotating basis.

3. Once a trial judge determines that he or she has been assigned a case in which the state is seeking the death penalty or a capital post-conviction proceeding, they shall obtain the name of the next available reporting agency from the list maintained by the court administrator and shall enter an order assigning that agency to the case (*see attached Order Appointing Court Reporter*). All court reporter assignments shall be made from this rotating list.

4. Court reporters providing services pursuant to this Order may utilize real-time transcription, computer-aided transcription, scopists, text editors, alternating court reporters, or other means to expedite the finalization of the certified transcript.

5. When a jury returns a verdict of guilty as charged to first-degree murder, the trial judge shall orally instruct the court reporter to immediately begin to transcribe the trial and any evidentiary hearings or non-evidentiary hearings conducted by the trial judge or other judge throughout the pendency of the case. The trial judge shall thereafter enter a written Order for Transcription (*see attached Order for Transcription*).

6. Upon the conclusion of the penalty phase, if the judge imposes a sentence of death, the judge shall orally instruct the court reporter to immediately begin to transcribe the penalty phase of the trial, the *Spencer* hearing, any other hearings held after the verdict, but before the judge's sentencing hearing, and the actual sentencing hearing held by the trial judge. The trial judge shall thereafter enter a written Order for Transcription (*see attached Order for Transcription*).

7. At the conclusion of the *Huff* hearing, the 3.850/3.851 evidentiary hearing, and any other evidentiary post-conviction hearings in a case in which the death sentence has been imposed, the judge conducting the hearing shall orally instruct the court reporter to immediately begin to transcribe the hearing(s). The judge shall thereafter enter a written Order for Transcription (*see attached Order for Transcription*).

8. Court reporters shall give priority to transcript production in capital cases as required by Rule 2.070(i), Florida Rules of Judicial Administration, and shall finalize the certified transcript within 30 days of the entry of a sentence of death or the entry of a final order on a motion for post-conviction relief.

9. Attendance fees for court reporters shall be **\$45.00** for the first hour and **\$15.00** per half-hour thereafter. A **\$45.00** minimum fee per session shall be allowed for the morning session and afternoon session. The original and one copy transcript shall be billed at the rate of **\$3.50** per page with each additional copy to be billed at **\$1.00** per page.

10. Pursuant the Florida Supreme Court's **Administrative Order AOSC00-43**:

a. The computer format for death penalty appellate transcripts shall be Word-Perfect 5.1 or higher; and

b. Transcripts submitted on disk may either be on a 3.5 inch computer diskettes or on compact disks (also called CD's or CD-ROM's) formatted for DOS; and

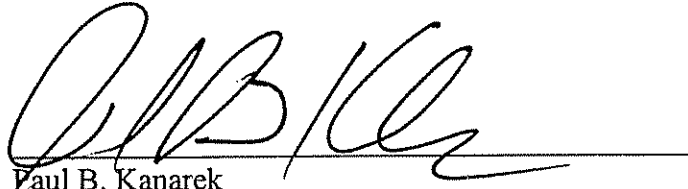
c. All diskettes or compact disks filed with the Florida Supreme Court shall be clearly labeled with the case name and number and the volume number(s) of the transcripts; and

d. Diskettes or compact disks shall be consecutively numbered, of more than one is filed in a single case.

11. It shall be the responsibility of any party scheduling a hearing in cases of this nature to call the appointed court reporter to schedule them for the hearing and then to forward a copy of the Notice of Hearing to the reporting agency.

12. Second Amended Administrative Order 93-05 and Administrative Order 97-01 are hereby revoked. Administrative Order 92-5 is hereby amended as it applies to criminal cases in which the state seeks the death penalty and in capital post-conviction proceeding.

DONE AND ORDERED in quadruplicate at Vero Beach, Indian River County, Florida this
28 day of March, 2001.

A handwritten signature in black ink, appearing to read 'P. B. Kanarek', written over a horizontal line.

Paul B. Kanarek
Chief Judge

IN THE CIRCUIT COURT OF THE
NINETEENTH JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY
STATE OF FLORIDA

STATE OF FLORIDA,
Plaintiff,

v.

CASE NO:

_____,
Defendant,

ORDER APPOINTING COURT REPORTER

This matter coming upon the courts' own motion pursuant to Rule 2.070(i), Florida Rules of Judicial Administration and it appearing that the state is seeking the death penalty in this case or that this is a capital post-conviction proceeding, it is therefore;

Ordered and Adjudged that _____, a court reporter from the list maintained by the Court Administrator, is hereby appointed to take all proceedings in this matter. Any party scheduling a hearing in this matter will contact the appointed court reporter to schedule their appearance.

DONE and ORDERED this _____ day of _____, 200____,
at _____, _____ County, Florida.

Circuit Judge

cc: State Attorney's Office

_____, Counsel for the Defendant

_____, Court Reporter

Tom Willis, Court Administrator

IN THE CIRCUIT COURT OF THE
NINETEENTH JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY
STATE OF FLORIDA

STATE OF FLORIDA,
Plaintiff,

v.

CASE NO:

_____,
Defendant,

ORDER FOR TRANSCRIPTION

This matter having come on to be heard upon the court's own motion and pursuant to Administrative Order 2001-02, it is therefore;

Ordered and Adjudged as follows:

1. _____, the court reporter appointed in this case shall transcribe the following portions of the record:

- _____ a. the trial in this case,
- _____ b. all pre-trial hearings taken by the court reporter in this case,
- _____ c. the penalty phase of the trial, *Spencer* hearing and any other hearings held after the verdict,
- _____ d. the *Huff* hearing, 3.850/3.851 evidentiary hearing, and any other post-conviction hearings in this case.
- _____ e. Other _____

evidentiary

2. That upon completion and certification thereof the

_____ a. The court reporter shall file the original and two (2) copies with the Clerk of this Court and shall be paid by the Board of County Commissioners of _____ County, Florida the sum of four dollars and fifty-cents (\$4.50) for the original and two (2) copies of each such page as shall have been filed herein along with the appropriate attendance fees.

_____ b. Other _____

DONE and ORDERED this ____ day of _____, 200____, at
_____, _____ County, Florida.

Circuit Judge

cc: State Attorney's Office
_____, Counsel for the Defendant
_____, Court Reporter
Tom Willis, Court Administrator