

**IN THE COURTS OF THE FIRST JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA**

ADMINISTRATIVE ORDER NO. 2008-44

IN RE: STATE ATTORNEY

**OFFICE OF STATE ATTORNEY, FIRST JUDICIAL CIRCUIT –
AUTHORITY OF STATE ATTORNEY TO HOLD ARREST WARRANTS**

WHEREAS, it is the responsibility of the judiciary to review affidavits of probable cause presented for the issuance of warrants of arrest; and

WHEREAS, it is the Office of the State Attorney which is charged with the responsibility of ultimately determining whether to prosecute a criminal case; and

WHEREAS, there are often occasions where the Office of the State Attorney is presented additional information after the issuance by a Judge of an arrest warrant, but prior to the execution of the warrant, that dictates in the interest of justice that a criminal prosecution not be maintained, it is hereby

ORDERED AND ADJUDGED that the Office of the State Attorney for the First Judicial Circuit is authorized to place a hold on certain issued arrest warrants in order to adequately investigate the allegations and upon determining that a criminal prosecution should not be pursued, the Office of the State Attorney may by written memorandum request the judge to recall the warrant. The written memorandum shall be attached to the unexecuted warrant to be maintained by the applicable law enforcement agency pursuant to that agency's records retention requirements.

This Administrative Order does not apply to warrants issued for violations of probation, failures to appear or any other orders to take into custody not entered on the basis of a law enforcement agency's application for the warrant based on probable cause.

DONE AND ORDERED in Pensacola, Escambia County, Florida this 29th day of July, 2008.

Signed by: Kim A. Skievaski, Chief Judge

Copies of Administrative Order 2008-44 furnished to:

All Judges, First Judicial Circuit
Honorable William Eddins, State Attorney, First Judicial Circuit
Sheriff, Escambia County
Sheriff, Okaloosa County
Sheriff, Santa Rosa County
Sheriff, Walton County
Chief, Crestview Police Department
Chief, Fort Walton Beach Police Department
Chief, Niceville Police Department
Chief, Shalimar Police Department
Chief, Gulf Breeze Police Department
Chief, DeFuniak Springs Police Department
Chief, Milton Police Department
Chief, Pensacola Police Department
Chief, Valparaiso Police Department
Captain, Florida Highway Patrol
Captain, Florida Fish and Wildlife Conservation Commission