

**IN THE COURTS OF ESCAMBIA COUNTY IN THE FIRST JUDICIAL CIRCUIT
IN AND FOR THE STATE OF FLORIDA**

ADMINISTRATIVE DIRECTIVE NO. 2020-03

RE: ESCAMBIA COUNTY MISSION CRITICAL COURT PROCEEDINGS

WHEREAS, the Chief Judge has directed the Administrative Judges of each county in the First Judicial Circuit to formulate and submit a plan for performing mission critical functions within their respective counties during a period of reduced operations due to the COVID-19 pandemic; and

WHEREAS, the undersigned is appointed as Administrative Judge in Escambia County in AO2019-29; and

WHEREAS, the undersigned is acting under the authority of the Chief Judge; it is

ORDERED:

- 1) This directive is effective upon signature and applies to proceedings regularly scheduled through Friday, April 17, 2020. Administrative Directive 2020-02 is hereby rescinded.
- 2) First Appearance hearings will be held Monday - Friday at 1:30 p.m. in the 4th floor video courtroom. 48-hour hearings for those arrested for failure to pay child support will also be scheduled during this time. Attorneys, court staff, victims, and judges will appear in court and shall observe social distancing protocols. Defendants will appear by video. Those judges regularly scheduled to preside shall preside.
- 3) County Court Arraignments will be held Monday – Friday beginning at 8:30 a.m. in a courtroom to be assigned. Those individuals charged with ordinance violations/infractions shall have their appearances waived with new dates set

automatically. Those individuals with misdemeanor arraignments shall wait outside the courtroom, and shall be called into court in small groups in order to observe social distancing protocols. Those defendants with private counsel, public defenders, and conflict counsel are encouraged to waive their appearances in writing. Those judges regularly scheduled to preside at arraignments shall preside.

- 4) Felony arraignments shall be heard each Thursday and Friday beginning at 8:30 a.m. in a courtroom to be assigned. Those defendants with private counsel, public defenders and conflict counsel, both in and out of custody, are encouraged to waive their appearances in writing. Other out of custody defendants shall wait outside the courtroom, and shall be called into court in small groups in order to observe social distancing protocols. At 11 a.m., those defendants who are in custody will be heard in the video courtroom on the fourth floor. Attorneys, court staff, victims, and judges will appear in the video courtroom and shall observe social distancing protocols. Defendants will appear by video. Those judges regularly scheduled to preside at arraignments shall preside.
- 5) Juvenile Arraignments will be heard on Wednesdays at 8:30 a.m. in a regularly assigned courtroom in the Bruno Building. Those individuals who are able to file a written waiver of appearance are encouraged to do so. Juveniles, an accompanying parent or guardian, and victims shall wait outside the courtroom, and will be called into court in small groups in order to observe social distancing protocols. Those judges regularly scheduled to preside at arraignments shall preside. Review of detention status at both detention hearings and arraignments is a mission critical criminal matter, and shall be heard on this docket if necessary.

- 6) Bond Hearings – Bond hearings for County Court should be set on the First Appearance dockets each day. County Court judges are both allowed and encouraged to consider bonds in county court cases which may be assigned to other county court judges.
- 7) Each business day, the video courtroom on the fourth floor will be reserved for other mission critical criminal matters. On Monday through Wednesday, the video courtroom will be reserved from 9 a.m. to noon. On Thursday and Friday, it shall be reserved from 9 a.m. to 10:45 a.m. This docket shall include any felony bond hearings, in-custody change of plea proceedings which will result in a release from incarceration, in-custody change of plea proceedings which will result in a county jail or prison sentence, competency hearings, *Nelson* hearings, those emergency hearings related to public health matters, emergency writs impacting constitutional rights, violations and sanctions proceedings for specialty courts, and any other emergency matters as approved by the Chief Judge. The schedule shall be as follows:
 - a) Monday – Divisions A and C
 - b) Tuesday – Divisions E and F
 - c) Wednesday – Division K and Drug Court
 - d) Thursday – Division J and TEAM Court
 - e) Friday – Division N and Veteran’s Court

It is understood that there may be occasions in which this miscellaneous docket schedule will result in a judicial scheduling conflict with the felony arraignment schedule. In such an event, judges are free to request coverage from another judge for the arraignment docket.

- 8) All other criminal matters regularly scheduled between the date of this order and April 17, 2020, to include sentencings, motion hearings, VOP calendars, pre-trial conferences, and docket days, shall be continued one cycle until the next regularly scheduled date for that event.
- 9) Dating Violence, Domestic Violence, Repeat Violence, Sexual Violence and Stalking Injunction hearings shall be heard on Wednesday morning in Courtroom 101 beginning at 8:30 a.m. The regularly scheduled judge will preside. Those parties with injunctions pending shall be summoned by the Clerk at a rate of 10 cases per hour to appear in one-hour increments in order to observe social distancing protocols.
- 10) Juvenile Detention hearings shall be held as regularly scheduled. Social distancing protocols should be observed.
- 11) Juvenile Shelter hearings shall be held as regularly scheduled. Chapter 39 injunctions should also be included on this docket. Social distancing protocols should be observed.
- 12) All other juvenile hearings other than those described in paragraphs 10 and 11 may be continued at the discretion of the presiding judge. Every effort will be made to set continued matters on the next available court date after April 20, 2020.
- 13) Baker Act and Marchman Act proceedings shall be held as regularly scheduled. Social distancing protocols should be observed during in-person proceedings, and these proceedings shall be held via electronic means when possible and only if confidentiality can be adequately protected.
- 14) Duty Judge and Family Duty Judge rotation shall continue as assigned. The Duty Judge will continue responsibilities for search/arrest warrants. Judge Jennie Kinsey is responsible for Baker and Marchman Acts, and Emergency Incapacity Petitions. Judge

Kinsey and Judge W. Joel Boles are responsible for Appointment of Emergency Temporary Guardians. If these judges are not available, the duty judge is responsible. In addition, the duty judge is responsible for Adult Protective Services Act matters and vulnerable adult petitions. However, on these matters, the duty judge may request the assistance of the assigned civil judge. Duty judges shall also preside at first appearances, shelters, and detention hearings on weekends and holidays. The Family Duty Judge will address Petitions for Dating Violence, Domestic Violence, Repeat Violence, Sexual Violence and Stalking Injunctions, as well as Judicial Waivers of Parental Notice, Risk Protection Orders, and requests for Do Not Resuscitate orders.

- 15) All other hearings in family, child support, juvenile dependency, juvenile delinquency, county civil, circuit civil, probate, guardianships, civil traffic, or any other proceeding shall be rescheduled, postponed, or cancelled unless such proceedings can be effectively conducted remotely using telephonic or other electronic means, at the discretion of the presiding judge and in accordance with AOSC20-16. Dependency and delinquency adjudicatory hearings and termination of parental rights hearings shall not be conducted by electronic means, and should be continued until an available court date after April 20, 2020. In-person appearances for non-mission critical hearings as described in this paragraph shall not be permitted.

DONE AND ORDERED in chambers at Pensacola, Escambia County, Florida, this 31st day of March 2020.



JAN SHACKELFORD
ADMINISTRATIVE JUDGE

Copies furnished to:

All Judges, Escambia County

Robin Wright, Trial Court Administrator

William Eddins, State Attorney, First Judicial Circuit

Bruce Miller, Public Defender, First Judicial Circuit

Pam Childers, Clerk of Courts

David Morgan, Escambia County Sheriff

Chief Tommi Lyter, Pensacola Police Department

Richard Currey, Office of Criminal Conflict and Civil Regional Counsel

Elizabeth Miller, Child Welfare Legal Services

Mark Jones, President of Family First Network

Bryan Carter, Guardian Ad Litem

Mike Ellis, Department of Revenue

Paul Wallis, Department of Juvenile Justice

Julia Gaither, Department of Corrections

Richard Powell, Department of Corrections

Lt. Justin Robbins, Escambia County Sheriff

For Broadcast by: Escambia-Santa Rosa Bar Association

For Posting at www.FirstJudicialCircuit.org