

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

ADMINISTRATIVE DIRECTIVE NO. 2020-08

RE: COVID-19 PANDEMIC – ESCAMBIA COUNTY PHASE 2 OPERATIONS

WHEREAS, the Chief Judge has issued Administrative Order 2020-35, returning the First Judicial Circuit to full Phase 2 operations, effective September 8, 2020; and

WHEREAS, it is the stated intent of the Chief Judge to expand operations to those allowable under Phase 2, while being ever mindful of the health, safety, and well-being of courthouse visitors, court employees, and judicial officers; and

WHEREAS, the undersigned is appointed as Administrative Judge for Escambia County in Administrative Order 2019-29, it is,

ORDERED:

- 1) This directive is effective September 14, 2020, and shall be in effect until further order of the undersigned or intervening direction from the Chief Judge or Chief Justice.
- 2) Per the previous order of the Chief Judge, only those individuals with business before the court (parties, witnesses, jurors, victims, attorneys, case managers, supervisors, etc.) or those with official business with any other agencies or community resources housed within the courthouse facilities should attempt to enter courthouse facilities. Those attempting to enter said facilities will be asked their reasons for requesting entry. Courtroom attendance shall be limited to attorneys, parties, victims, and necessary witnesses or other required persons, as well as essential court staff. Attorneys and/or parties should continue to provide Court Administration with a list of necessary

witnesses for all hearings, and Court Administration will provide those names to court security as approved for entry.

Members of the media shall be permitted, subject to existing protocols for camera clearance. Parents and/or guardians of juveniles shall also be permitted to accompany juveniles appearing in court. All persons having official business within the courthouse facilities should exit immediately as soon as that business is concluded, in order to maintain as few people as possible within the facilities at any given time. All persons should visit the minimum number of locations inside courthouse facilities required to conduct their business. Any business which may be conducted by phone or email should be conducted by phone or email, and not in person merely for the sake of convenience.

- 3) In all courtrooms and common areas, masks or face shields are to be worn. When sufficient supplies are available for public distribution, masks will be provided for those persons who do not have one available.
- 4) Criminal proceedings are to be given priority in the scheduling of courtrooms. Due to social distancing requirements, the court calendar has been altered to provide for hearings with staggered report times for parties.
- 5) For plea days and docket days, the Clerk's office will be responsible for setting and noticing attorneys of staggered start times for out-of-custody defendants. For all other criminal matters pertaining to out-of-custody defendants, judges are directed to set and notice attorneys of staggered start times for hearings.
- 6) Limited inmate transport will be allowed, subject to the restrictions on courtroom capacity and the ability of County personnel to safely transport inmates. For each day at the M.C. Blanchard Judicial Building, a maximum of 10 inmates may be transported

for the morning, and a maximum of 10 inmates may be transported for the afternoon. Any matters set requiring the transportation of an inmate should be set during the times allotted for out-of-custody hearings. Those judges with simultaneous out-of-custody hearing times shall coordinate with each other in order to determine the inmates to be transported for that time period. The number of inmates to be transported should be equally divided between the relevant divisions, regardless of the timing of any request, barring an alternative agreement between judges. If inmate transportation is required to the Theodore Bruno Building, a maximum of 3 inmates may be transported for the morning, and a maximum of 3 inmates may be transported for the afternoon. The inmates for the morning session must appear in front of a single judge. The inmates for the afternoon session must appear in front of a single judge. Juvenile judges are expected to coordinate scheduling accordingly to maximize efficiency between divisions. Should circumstances change, the number of inmates to be transported may be altered without need for amendment of this directive. Such a change will be disseminated via email or memorandum.

- 7) Priority will be given to those hearings listed in section 8). In order to maintain good working relationships with our partner agencies, court sessions should not be expanded beyond those times regularly scheduled.
- 8) All hearings which may be effectively conducted remotely shall continue to be conducted remotely. However, the following criminal proceedings may be conducted in-person and should be given priority when considering in-person appearances, particularly in-person appearances by inmates:

Motions to dismiss

Sentencings

Contested violation of probation hearings

Motions related to custody status (e.g. pretrial detention, adversarial preliminary hearings, etc., but not standard bond motions)

Motions to suppress

Motions related to evidence, e.g. *Williams* rule, motions in limine or *Daubert* issues;

Stand Your Ground hearings

Motion and hearings related to incompetence, mental health experts, intellectual disability or insanity

Jimmy Ryce proceedings (except for trial proceedings)

Nelson/Faretta hearings

- 9) Judges shall limit the number of people in courtrooms at any one time to only that number which permits the maintenance of six feet of distance between individuals.
- 10) Arraignments - All criminal defendants (felony and misdemeanor) represented by counsel who intend to enter a plea of not guilty at arraignment must file a written waiver of appearance and plea. It is the intent of this directive that no one represented by counsel should personally appear for arraignment unless a specific need exists to address the Court; i.e., the entry of a plea of guilty/nolo contendere or a motion related to bond.
- 11) Docket Days - Out-of-custody defendants represented by counsel who intend to either ask for a continuance or for the setting of a trial date should move the Court for same in writing and at least one week prior to the hearing date. Motions should be accompanied by proposed orders, and continuances should be liberally granted. As with arraignments, it is the intent of this directive that no one represented by counsel will personally appear unless a specific need exists to address the Court. In-custody defendants should also make such requests for continuance or for trial dates in writing, through counsel. Those inmates needing to be heard personally will be heard via video link to the jail.

- 12) If the State intends to enter a nolle prosequi in a criminal case, the division prosecutor should, whenever possible, submit the appropriate document in advance of the next scheduled court date, and shall give proper notice to the relevant defendant and counsel no later than one week prior to that date. Defendants and attorneys who have received such notices will not be required to appear in court.
- 13) No in-person civil proceedings will be held in the M.C. Blanchard Judicial Building, unless one of the exceptions in section C of Administrative Order 2020-35 is met. The Cobb Building courtroom also remains available for civil proceedings which meet the applicable exceptions, and may be scheduled through Court Administration.
- 14) No in-person family law proceedings will be held in the M.C. Blanchard Judicial Building, with the exception of DVI proceedings, contempt proceedings in which a person may be taken into custody, and those matters enumerated by the Chief Judge in section D of Administrative Order 2020-35.
- 15) Drug Court, TEAM Court, and Veterans Court will be conducted via videoconferencing technology unless an in-person hearing is necessary to take a participant into custody.
- 16) In order to reduce the possibility of transmission of the virus, judges are required to manage their robes without the assistance of courtroom deputies.
- 17) Judges who are aware of an upcoming court event requiring the attendance of large numbers of people, other than those which are commonly known (such as docket days and arraignments) should make the undersigned and/or Court Administration aware of the event as soon as practicable so that adequate arrangements can be made.
- 18) Individuals using stairwells in the M.C. Blanchard Building should observe social distancing protocols at all times.

DONE AND ORDERED in chambers at Pensacola, Escambia County, Florida, this

10th day of September, 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