



Augustus D. Aikens, Jr.
County Judge


LEON COUNTY COURT

Leon County Courthouse
Room 265-A
301 South Monroe Street
Tallahassee, Florida 32301

Judicial Assistant: Debra Hargrave
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MEMORANDUM

TO: Judge Nina Ashenafi Richardson
Judge Stephen Everett
Judge Monique Richardson
Judge Layne Smith

FROM: Judge Augustus D. Aikens, Administrative Judge 

RE: Coverage Assignments

DATE: December 14, 2018

Recently, I have observed a series of e-mails regarding coverage for Judge Monique Richardson and County Judges backup coverage in general. Based on those communications, I found this to be the perfect opportunity to review our calendaring system, the required duties assumed with each assignment and our designed method for providing coverage for one another.

- 1. Criminal Week.** Criminal week is designed to place maximum focus on case management of criminal cases assigned and to advance them to final disposition within 90 days of arrest. Fla. R. Jud. Admin. 2.250. Each Monday, Courtroom 2C is available to the Criminal Court Judge for Pleas, Bond Hearings, Speedy Trial Calendar Calls and any specially set hearing at the judge's discretion. The use of the Courtroom 2C by other judges on Mondays is encouraged but its use is to be coordinated with the assigned Criminal Court Judge and Ms. Tonya Monk. All other Criminal week duties are conducted in Courtrooms 2A with the exception of Arraignments on Thursdays in Courtroom 2E.
- 2. Complete the Record.** Fla. R. Crim. P. 3.171 requires all discussions between defendants and prosecuting attorneys "shall be of record." Please remember to require the ASAs to supplement the record with any discussions with all unrepresented defendants (which is rarely done without such prompting). Additionally, if a defendant **understandingly waives representation by counsel**, he or she must execute a **written waiver** of such representation, "which shall be filed in

the case." Fla. R. Crim. P. 3.111(d) and 3.160 (c). I have attached a proposed written Waiver of Representation of Counsel and will make sure adequate copies are in each courtroom.

3. **Jury Trial Week.** The primary purpose of this assigned week is to afford maximum opportunity to expedite cases to conclusions to comply with the presumptively reasonable 90 day period (arrest to final disposition) established by Fla. R. Jud. Admin. 2.250. In addition to any scheduled Jury or Bench Trials, Pleas, Bond Hearings and Speedy Trial Calendar Calls may be conducted in Courtroom 2A on Mondays and Thursdays and in Courtroom 2C on Tuesdays, Wednesdays and Fridays. The use of Courtrooms 2A and 2C by other than assigned judges, when not required for trials, must be coordinated with the assigned Jury Trial Judge and Ms. Tonya Monk.
4. **When not engaged in trials.** The Jury Trial Judge is to be available to render assistance to the Criminal Week Judge with Jury selections, when requested, and also the Administrative Judge with warrants during First Appearance and lunch breaks.
5. **Administrative Week.** The Administrative Week Judge has numerous responsibilities including the following: (1) The Administrative Week Judge acts as the Chief Judge's designee and is responsible for qualifying juror candidates for all jury trials in scheduled for the week Courtroom 1C, Sections 40.01, 40.013, and 913.13 F.S.; (2) Additionally, First Appearances Hearings are conducted in Courtroom 2D in accordance with Article 1, Section 14, Constitution of the State of Florida, chapters 903 and 907 F.S.; (3) Administrative Week duties include acting as a "committing judge" pursuant to Section 34.01(3), F.S., Fla. R. Crim. P. 3.120 and 3.121 and as is authorized by Chapter 901, F.S.; (4) The Administrative Week Judge is responsible for conducting change of name hearings, adoptions and uncontested dissolution of marriage proceedings. Adoptions are performed in Judicial Hearing Room 265C in accordance with Chapter 63, F.S. and uncontested dissolutions of marriage hearings are held in Courtroom 2E on Wednesdays.
6. **Warrants Management.** Given the substantial duties assigned to the Administrative Week Judge, a warrant delivery box is located in the County Judges Reception Area for all officers requesting signed warrants (including search warrants). All warrants will be logged in with the date and time of arrival by the Officer. As soon it is practicable, the Receptionist will deliver received warrants and any Immediate Response Form (copy attached) to the Administrative Week Judge for review. **Generally, the warrants will be addressed in the order that they are received.** The Administrative Week Judge is responsible for completing all warrants within 2

hours of placement in the warrant delivery box (with any necessary assistance by the Jury Trial judge).

- 7. Immediate Response Warrants.** Officers requesting warrants to be signed immediately must explain the urgent need by completing the Immediate Response Required Form. This procedure is implemented to minimize the constant interruptions occasioned by officers who have elected to be “walk-through-only” officers **regardless of the urgency of the warrant**. If the Administrative Week Judge deems the justification for immediate action is appropriate, the judge will sign the warrant and note the reason for the justification on the Immediate Response Required Form. If the reason is not deemed genuine, the warrant will be addressed in its proper rotation as soon as possible but not ahead of others on the log. When the warrants are completed, the Receptionist will note the time each warrant was completed on the log.
- 8. Civil Week.** The Civil Week Judge considers: (1) landlord and tenant cases involving claims in amounts which are within county court jurisdiction including the issuance of temporary and permanent injunctions where appropriate for violations of the Florida Residential Landlord and Tenant Act in accordance with Sections 34.011 and Chapter 83 F.S.; (2) proceedings related to the right of possession of real property and the forcible or unlawful detention of lands and tenements, Chapter 82, F.S.; (3) civil actions considered under Fla. Sm. Cl. R.; (4) all actions at law in which the matter in controversy does not exceed \$15,000, exclusive of interest, cost and attorney fees and (5) civil traffic infractions under Florida Rules of Traffic Court. All proceedings are conducted at the Leon County Courthouse Annex. The Civil Week Judge has the responsibility to meet the following presumptively reasonable time standards: 18 months for jury cases (filing to disposition); 12 month for non-jury cases (filing to final disposition); and 95 days for small claims cases (from filing to final disposition). Fla. R. Jud. Admin 2.250.
- 9. Administrative 2 Week Judge.** The Administrative 2 Judge, purposefully, is not assigned any required duties to maintain the greatest flexibility to back up the other four assigned County judges as necessary. It also affords the Administrative 2 Week judge with needed case management flexibility, opinion drafting opportunities, and the time necessary for specially assigned duties by the Chief Judge and meeting established time standards. Fla. R. Jud. Admin. 2.250.
- 10. Coverage for New Judges.** As previously explained, the fundamental responsibility of the Administrative 2 Week Judge is coverage back up. As new judges are assigned, a great amount

of assistance is needed to acquaint the new judge with the various duties required of County Judges. The Administrative 2 Week Judge is expected to be available to provide training support for the newly assigned judge and provide coverage to the new judge during required out of the office training mandatory training periods. The Administrative 2 Week judge is intended to make the required adjustments to his or her schedule to accomplish this task. The newly assigned judge should give the Administrative 2 Week as much notice as possible of all required training opportunities.

- 11. Pleas in Absentia.** No Plea in Absentia (PIA) is to be left in the County Judges Reception area. Attorneys seeking a judge's approval of a plea in absentia must coordinate with the Judge's Judicial Assistant before delivery of PIA to the reception area. Following coordination, the PIA will be delivered to the Judicial Assistant for delivery to the judge. Once signed, the attorney will be contacted to retrieve the signed PIA for delivery to the Clerk's office.
- 12.** To insure continued operating as one team rather than 5 independent judges, lets meet briefly to review items addressed in this memo on Monday, December 17, 2018 at noon. Thank for your continued support.

13. County Judges Meeting Schedule:

Monday, January 14, 2019	Monday, July 15, 2019
Monday, February 18, 2019	Monday, August 12, 2019
Monday, March 18, 2019	Monday, September 16, 2019
Monday, April 15, 2019	Monday, October 14, 2019
Monday, May 13, 2019	Monday, November 18, 2018
Monday June 17, 2019	No Meeting Scheduled December 2019

ADA/dh

Copies provided to:
Judge Jonathan Sjostrom, Chief Judge
Tonya Monk
Blanca Delgado-Chavez
Deanna Gravius
Christina Harrelson
Mary Silva
Regina Shaw

IN THE COUNTY COURT, SECOND JUDICIAL CIRCUIT
LEON COUNTY, STATE OF FLORIDA

STATE OF FLORIDA,
Plaintiff,

Case #: _____

vs.

_____,
Defendant.
/

WAIVER OF COUNSEL

Note:

1. A defendant shall not be considered to have waived the assistance of counsel until the entire process of offering counsel has been completed and a thorough inquiry has been made into both the accused's comprehension of that offer and the accused's capacity to make a knowing and intelligent waiver.
2. Before determining whether the waiver is knowing and intelligent, the court shall advise the defendant of the disadvantages and dangers of self-representation.

The Court having advised the Defendant of the following rights, pursuant to Fla. R. Crim. P. 3.111(d), Defendant asserts an understanding of the following by initialing each clearly understood paragraph:

Right to Counsel

- _____ 1. I understand that I have a right to a lawyer?
- _____ 2. If I cannot afford to hire my own lawyer, and if I qualify for a court-appointed lawyer, one will be appointed for me.
- _____ 3. The State of Florida will pay for a lawyer to advise me in the Court proceedings.

Pretrial

_____ A lawyer's legal knowledge and experience may favorably affect bail or pretrial release possibilities; may result in obtaining information about the case through skillful use of discovery devices; may undercover potential violations of constitutional rights and take effective measures to address them; may ensure compliance with speedy trial and statute of limitations provisions; and may identify and secure favorable evidence to be introduced later at trial on my behalf.

At Trial

I understand:

- _____ 1. A lawyer has the experience and knowledge of the entire process. The lawyer will argue for my side during the whole trial and present the best legal argument for my defense.
- _____ 2. A lawyer may ensure that any errors committed during trial are properly preserved for appellate review later by a higher court.

Post-Trial

I understand:

- _____ 1. If I am convicted, a lawyer assistance may be useful in preparing the sentencing, ensuring that favorable facts are brought to the attention of the court; ensuring that the court is advised of all legally available favorable dispositions; and in ensuring that the sentence is lawfully imposed.
- _____ 2. An attorney's legal knowledge and experience may be useful in filing an appeal and in seeking release on bail pending the appeal.

Danger and Disadvantages Section

I understand:

- _____ It is almost always unwise to represent yourself in Court.
- _____ **A few of the disadvantages of representing yourself in Court are as follows:**
- _____ 1. I will not get any special treatment from the Court just because I am representing myself.
- _____ 2. I will not be entitled to a continuance simply because I wish to represent myself.
- _____ 3. If in custody, I will have:
 - (a) limited to the legal resources;
 - (b) I will not be entitled to any additional library privileges just because I am representing myself;
 - (c) a lawyer has fewer restrictions in researching your defense.
- _____ 4. While I am not required to possess the legal knowledge or skills of an attorney in order to represent myself, I will be required to abide by the rules of criminal law and the rules of courtroom procedures.
- _____ 5. These laws took lawyers years to learn and abide by.

Competency to Waive Counsel Section

- _____ 1. I am not under the influence of any drugs or alcohol.
- _____ 2. I do not have any physical problem which would hinder my self-representation in this case, such as a hearing problem, speech impediment, or poor eyesight?

Having been advised of my right to counsel, the advantages of having counsel, the disadvantages and dangers of proceeding without counsel, the nature of the charges and the possible consequences in the event of a conviction, I am certain I do not want an appointed lawyer to defend me.

Under penalty of perjury, I attest I have read and have indicated by my initial on the paragraphs above that I have clearly understood this waiver.

Defendant's Signature

Date: _____

COMMITTING JUDGE LOG

1. Date: _____ 2019 Time of Request: _____ Agency Investigation No: _____
Name of Requesting Officer: _____ Agency: () LCSO () TPD () FDLE () FHP () _____
() Search Warrant () Arrest Warrant () Other: _____ Time Completed: _____

2. Date: _____ 2019 Time of Request: _____ Agency Investigation No: _____
Name of Requesting Officer: _____ Agency: () LCSO () TPD () FDLE () FHP () _____
() Search Warrant () Arrest Warrant () Other: _____ Time Completed: _____

3. Date: _____ 2019 Time of Request: _____ Agency Investigation No: _____
Name of Requesting Officer: _____ Agency: () LCSO () TPD () FDLE () FHP () _____
() Search Warrant () Arrest Warrant () Other: _____ Time Completed: _____

4. Date: _____ 2019 Time of Request: _____ Agency Investigation No: _____
Name of Requesting Officer: _____ Agency: () LCSO () TPD () FDLE () FHP () _____
() Search Warrant () Arrest Warrant () Other: _____ Time Completed: _____

5. Date: _____ 2019 Time of Request: _____ Agency Investigation No: _____
Name of Requesting Officer: _____ Agency: () LCSO () TPD () FDLE () FHP () _____
() Search Warrant () Arrest Warrant () Other: _____ Time Completed: _____

6. Date: _____ 2019 Time of Request: _____ Agency Investigation No: _____
Name of Requesting Officer: _____ Agency: () LCSO () TPD () FDLE () FHP () _____
() Search Warrant () Arrest Warrant () Other: _____ Time Completed: _____

7. Date: _____ 2019 Time of Request: _____ Agency Investigation No: _____
Name of Requesting Officer: _____ Agency: () LCSO () TPD () FDLE () FHP () _____
() Search Warrant () Arrest Warrant () Other: _____ Time Completed: _____

IMMEDIATE RESPONSE REQUEST

Date: _____ Agency Investigation No.: _____

Name of Requesting Officer: _____

Name of Agency: _____

Time of Request: _____ AM / PM () Search Warrant () Arrest Warrant () Other: _____

Describe the Criminal offenses being investigated:

(1) _____

(2) _____

(3) _____

(4) _____

Category of highest level crime being investigated: () F1 () F2 () F3 () M1 () M2

Date Submitted to SAO: _____

Date Approved by SAO: _____

SAO Approver: _____

ATTENTION COMMITTING JUDGE:

Please take immediate action to review and if appropriate approve the attached because:

Committing Judge Finding:

Committing Judge Signature