

**IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO AND PINELLAS COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 2020-025 PA/PI-CIR

**RE: CORONAVIRUS PANDEMIC (COVID-19) –
SCHEDULING OF CRIMINAL JURY TRIALS**

Due to concerns regarding the spread and treatment of the Novel Coronavirus, known as COVID-19, on March 1, 2020, Florida Governor Ron DeSantis signed executive order 20-51, declaring a public health emergency in the State of Florida. The Florida Supreme Court issued Administrative Order No. AOSC20-23, *Amendment 6*, regarding mitigating the impact of the Coronavirus pandemic on the court system. The Florida Supreme Court also issued Administrative Order No. AOSC20-32, *Amendment 3*, which provides recommendations for Operational Phase Transitions for the Circuits.

In order to provide for continued operations of the Court during an emergency, and in accordance with Article V, section 7, Florida Constitution, Rule of Judicial Administration 2.215, and section 43.26, Florida Statutes,

IT IS ORDERED:

1. In anticipation of the Sixth Judicial Circuit resuming criminal jury trials, it is necessary to establish a formal process by which such jury trials will be set in both Pasco and Pinellas Counties.
2. Although jury trials may be permitted to start after the circuit has been in Phase 2 for at least 30 days, the comprehensive measures imposed by Supreme Court Orders require that jury proceedings be conducted in a manner that at all times protects the health and safety of prospective jurors.
3. The process for summoning and initial excusal of prospective jurors has become more complicated, and the Clerk of Court in each county will require additional time (at least six weeks) and resources to have each jury pool ready for selection.
4. In order to maintain appropriate social distancing and other protective measures, there are resulting limitations occasioned by the physical space and layouts available for jury assembly, voir dire, trial presentation, and accommodating the need to separate the jury from the proceedings during bench conferences, breaks, and deliberations. As a result a very significantly reduced number of prospective jurors can be safely assembled in each facility by our clerks and there are a very limited number of courtrooms (and adjunct rooms) that can be safely used to conduct the trials.
5. The previous practice of bringing large numbers of prospective jurors into the courthouse to wait in close quarters until they are called for one of many trials scheduled by various judges for the day will no longer be possible. In fact, the previous practice of having multiple judges in a facility schedule several jury trials for cases in their sections will not be possible because of the aforementioned limitations. There will simply be an insufficient number of courtrooms and jurors.

6. To provide an orderly process for scheduling criminal jury trials and to maximize the number of trials which can be safely conducted, it is hereby ordered that no formal order scheduling a criminal jury trial shall be issued by any circuit or county court judge unless and until approved by the Chief Judge or his designee, who shall only approve such a jury trial after determining that:

- a. the Clerk has the ability to summons, provide the required automatic excusals and then to safely accommodate sufficient jurors for initial selection starting on that date;
- b. there is a courtroom configured to conduct a fully socially distanced trial (considering the number of jurors, lawyers, and other participants needed to be present) that can be reserved for that date and all other days anticipated for completion;
- c. any adjunct spaces required during the trial for juror separation (bench conference removal, breaks, deliberations, etc.) are available and can be reserved for that trial for the days needed; and
- d. considering all relevant circumstances, the specific case should be set on that date considering the other matters needing a jury trial and limited availability of such trials.

7. In Pasco County, Pasco Administrative Judge Shawn Crane is designated to make the aforementioned determination regarding whether to approve issuance of any order formally scheduling a criminal jury trial.

8. In Pinellas County, Pinellas Criminal Division Administrative Judge Joseph Bulone is designated to make the aforementioned determination regarding whether to approve issuance of any order formally scheduling a criminal jury trial.

9. Before issuing a formal order scheduling a criminal jury trial, the section judge should contact the designated administrative judge for approval. The section judge should be prepared to discuss the particulars relating to number of jurors needed, space requirements, number of days anticipated for voir dire, total trial days expected, needs for ancillary spaces and any circumstances bearing upon the decision to approve the case for the requested date(s).

10. The designated administrative judge has sole discretion to approve or disapprove issuance of the trial order based upon available resources and the needs of the various divisions or sections seeking jury trials in the facility.

DONE AND ORDERED in Chambers at St Petersburg, Pinellas County, Florida this _____ day of September 2020.

ORIGINAL SIGNED ON SEPTEMBER 1, 2020
BY ANTHONY RONDOLINO, CHIEF JUDGE

cc: All Judges
The Honorable Bernie McCabe, State Attorney
The Honorable Bob Dillinger, Public Defender
The Honorable Nikki Alvarez-Sowles, Clerk of the Court, Pasco County
The Honorable Ken Burke, Clerk of the Court, Pinellas County
Gay Inskeep, Trial Courts Administrator
Ita M. Neymotin, Regional Counsel, Second District
Ngozi C. Acholonu, Assistant Regional Counsel
Lillian Simon, Director of Administrative Services Pasco County
Bar Associations, Pasco and Pinellas Counties
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