

**ORDER GOVERNING ACCESS TO CRIMINAL HISTORY RECORD  
INFORMATION OF PROSPECTIVE JURORS**

**WHEREAS**, the State Attorney for the Ninth Judicial Circuit has available through coordination with the Clerk of Court for Orange County and the Orange County Sheriff's Office, an electronic system to automatically obtain criminal history record information (CHRI) both from the Florida Crime Information Center (FCIC) and the National Crime Information Center (NCIC) contemporaneous with the calling of a prospective jury panel; and

**WHEREAS**, in the interest of justice and to protect the integrity of court proceedings, the State Attorney for the Ninth Judicial Circuit requests that procedures be established for the limited purpose of providing defense counsel or a pro se defendant in certain instances the opportunity to review criminal history record information (CHRI) concerning prospective jurors obtained by the State Attorney; and

**WHEREAS**, regulations contained in Title 28, Code of Federal Regulations (CFR) section 20.21(b)(2), and policy established by the Director of the Federal Bureau of Investigation restrict dissemination of criminal history record information, but allow for dissemination of such information to individuals and agencies for any purpose authorized by statute, ordinance, executive order, or court rule, decision, or order, as construed by appropriate State or local officials or agencies; and

**WHEREAS**, the Court has the inherent power to order the dissemination of criminal history record information in the possession of the State Attorney to ensure fairness in court

proceedings;

**NOW, THEREFORE, I**, Ted Coleman, pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.050 order the following:

1. In all cases where a criminal history record information inquiry is made by the State Attorney/Assistant State Attorney on a prospective juror and a positive reply is received, the State Attorney/Assistant State Attorney shall inform defense counsel or pro se defendant that this information is available. If the defense counsel or pro se defendant requests access to such information, the State Attorney/Assistant State Attorney shall display the pertinent criminal history record information on the State Attorney's computer monitor in the courtroom at trial for review by defense counsel or pro se defendant.

2. No copies of the criminal history record information shall be required to be produced for dissemination by the State Attorney unless the information becomes an issue in the trial. If copies are produced, they will be sealed and entered into evidence for use in future proceedings, if any, arising out of the given case.

3. This Administrative Order is effective immediately.

**DONE AND ORDERED** at Orlando, Florida, this 20<sup>th</sup> day of April, 2000.

/s/ Ted Coleman  
Ted Coleman  
Chief Judge

Copies to:

All Circuit & County Judges, Ninth Judicial Circuit

State Attorney's Office, Ninth Judicial Circuit  
Public Defender's Office, Ninth Judicial Circuit  
General Counsel, Orange County Sheriff's Office  
Orange County Corrections  
Orange County Bar Association  
Bar Briefs, Orange County Bar Association  
Paul C. Perkins Bar Association  
Hispanic Bar Association  
Clerk of Courts, Orange County  
Orange County Law Library  
Clerk of Courts, Osceola County  
The Osceola County Bar Association  
The Osceola County Law Library  
The Osceola County Sheriff's Office  
Director, The Osceola County Dept. of Corrections  
Office of the Statewide Prosecutor  
Central Florida Criminal Defense Attorneys Association  
Executive Director of The Florida Bar  
Official Records, Orange County Comptroller

Administrative Order No. 2000-7