

**AMENDED ORDER GOVERNING THE ASSIGNMENT OF JUDGES TO HEAR
POSTCONVICTION AND POST-SENTENCING MOTIONS IN FELONY CASES**

WHEREAS, to avoid unnecessary judicial labor and to assist the Court in eliminating unnecessary administrative delays in cases where defendants have been sentenced to death, Rule 2.050(b)(4) of the Florida Rules of Judicial Administration requires that any type of postconviction or collateral relief proceeding filed by such defendants be assigned to the judge who presided over the original proceeding, if that judge is active or otherwise available to serve, unless otherwise directed by the Florida Supreme Court; and

WHEREAS, where the judge who presiding over the original proceeding is no longer active or otherwise available to serve, and in keeping with the intent of Rule 2.050(b)(4), procedures for assignment of postconviction or collateral relief proceedings filed by defendants who have been sentenced to death are necessary.

NOW, THEREFORE, I, Belvin Perry, Jr., pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida, hereby order the following, effective immediately:

1. Cases in which the Defendant is sentenced to death:

Unless otherwise directed by the Florida Supreme Court, in any case in which the defendant has been sentenced to death, the judge who presided over the original proceeding shall be assigned to hear any type of postconviction or collateral relief proceeding brought by the defendant, provided that the judge is active or otherwise available to serve. If the judge who

presided over the original proceeding is no longer active or otherwise available to serve, such proceedings shall be assigned to the judge then presiding over the subdivision where the case is assigned. That judge shall continue to hear all subsequent proceedings for as long as that judge is active or otherwise available to serve, in keeping with the Florida Supreme Court's intent of judicial efficiency and continuity.

2. All other felony cases:

Any postconviction or post-sentencing motions including motions requesting a reduction or mitigation of a felony county jail or Department of Corrections sentence, motions requesting a reduction or mitigation by way of reduction of a straight sentence, or a legal split sentence, motions to correct illegal sentences, motions to reduce jail time as a condition of probation and motions to correct credit for time served shall be heard by the presiding judge in the subdivision to which the case is assigned.

3. Administrative Order 07-96-16-1 is hereby amended.

DONE AND ORDERED at Orlando, Florida this 12th day of July, 2005.

/s/ Belvin Perry, Jr.
Belvin Perry, Jr.
Chief Judge

Copies provided to:

Clerk of Courts, Orange County
Clerk of Courts, Osceola County
General E-Mail Distribution List
<http://www.ninja9.org/adminorders>