

ADMINISTRATIVE ORDER
NO: 07-96-43

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

ADMINISTRATIVE ORDER CONCERNING THE RELEASE OF CERTAIN
INMATES FROM CUSTODY

WHEREAS, there are defendants who provide the identity of an innocent person when confronted by law enforcement officers which may cause an arrest warrant or capias to be issued for a person other than the person sought; and

WHEREAS, a person may be arrested on this warrant or capias, and upon investigation it may be discovered that the person in custody is not the person who committed the crime charged, and in order to ensure the expedient release of this innocent person from custody;

NOW, THEREFORE, I, Belvin Perry, Jr., pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under rule 2.050 of the Florida Rules of Judicial Administration, do hereby order the following:

1. That under the following conditions the assigned unit of the Orange County Sheriff's Office shall not need a Judicial Order of Release and shall only need to properly notify the Orange County Corrections Division that the incarcerated person is not the correct person wanted on the Orange County warrant or capias:

a. The identity of the correct person wanted in the warrant or capias can be determined by the use of fingerprints and photographs which can be compared with the fingerprints and photograph of the incarcerated person.

b. The incarcerated person was arrested on a warrant or capias that had been previously recalled by the court or was otherwise defective at the time of arrest.

c. The incarcerated person was previously arrested on the warrant or capias and has been erroneously arrested again on the exact same warrant or capias.

2. Under the conditions set forth above, and upon proper notification by the assigned unit of the Orange County Sheriff's Office, the Orange County Corrections Division shall release the person as to the charges specified in the warrant or capias.

3. In all other situations that may arise involving an Orange County warrant or capias, the incarcerated person will have to request an identity hearing in order to have his or her allegation of mistaken identity resolved or be released per Judicial Order.

4. If necessary, the assigned unit of the Orange County Sheriff's Office will obtain the appropriate Judicial Order so that a warrant or capias may be reissued in these cases.

DONE AND ORDERED at Orlando, Florida this 26th day of February, 1997.

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