

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,
IN AND FOR MARION COUNTY, FLORIDA**

ADMINISTRATIVE ORDER: M-2024-37

ORDER REGARDING MARION COUNTY COURT ASSIGNMENTS,

WHEREAS, Rule 2.215(a) of the Florida Rules of Judicial Administration fixes administrative responsibility for ensuring the efficient and proper administration of all courts within the circuit in the Chief Judge of the Fifth Judicial Circuit, and other judges he may designate;

WHEREAS, the Chief Judge designated the undersigned judge to be the Administrative Judge for Marion County, pursuant to rule 2.215(b)(5);

It is, therefore, **ORDERED AND ADJUDGED** as follows:

1. **Marion County Court Assignments:**

- A. County Court judicial assignments are divided into two divisions in which two county judges are assigned to the criminal/traffic division and two county judges are assigned to the civil division.
- B. The assignments are as follows:
 - Judge Thomas Thompson- Criminal/traffic division;
 - Judge Robert Landt - Criminal/traffic division;
 - Judge Lori Cotton - Civil division;
 - Judge LeAnn Mackey-Barnes - Civil division.
- C. The following judges will continue to be the presiding judge for the following alternative courts:
 - Judge Lori Cotton – DUI Court;
 - Judge Thomas Thompson – Mental Health Court; and
 - Judge Robert Landt – Pre-Trial Diversion Drug Court.
- D. All current currently assigned cases shall remain unchanged unless an order of (re)assignment is ordered by the Chief Judge or the Marion County Administrative Judge.

E. CRIMINAL DIVISION – All MM, CT, MO, CO, TR, IN cases:

- (1) County court criminal cases shall be assigned by date of first appearance or arraignment hearing. The Clerk shall assign cases based on an alternating two-week rotation.
- (2) Civil infraction cases shall be assigned by date of citation. These cases shall be assigned in two-week rotations.
- (3) If a case is reopened for any reason after sentence is imposed, the case shall be heard by the assigned judge. However, all motions for a new trial or rehearing shall be heard by the judge who presided over the trial or hearing regardless of assignment. If there is no current assigned judge, the case will be reassigned on a rotating basis.
- (4) If a judge already has a case pending, or the defendant is on misdemeanor probation, or the judge has issued a failure-to-appear (FTA) bench warrant, the judge who is assigned the lower-case number or who has the defendant on probation or who issued the FTA bench warrant will be assigned any new cases the defendant may receive.
- (5) If a judge is recused at some point before disposition, any further matters will be handled by the judge appointed thereafter. All criminal recusals will first be assigned to the other judge in the criminal division.

F. CIVIL DIVISION – CC and SC cases (including Small Claims Eviction cases)

- (1) All County Court Civil Cases will be assigned on a rotating basis.
- (2) If a case is reopened for any reason, the case shall be heard by the assigned judge. However, all motions for a new trial or rehearing shall be heard by the judge who presided over the trial or hearing regardless of assignment. If there is no current assigned judge, the case will be reassigned on a rotating basis.
- (3) If a defendant has not been served for the initial small claims pretrial conference, the judge may continue pretrials two times, but if the defendant has not been served by the third small claims pretrial date, the judge shall dismiss the case without prejudice to refile.
- (4) If a judge is recused at some point before disposition, any further matters will be handled by the judge appointed thereafter. All civil recusals will first be assigned to the other judge in the civil division.

G. Any county judge who reschedules a court event once cases have already been scheduled and noticed by the Clerk's Office shall be responsible for preparing, filing, and serving an order rescheduling that court event, including mailing service copies to all parties who do not receive service via the Portal.

2. **First Appearances, Arraignments, and Small Claims Pretrials:**

A. On a four-week rotating basis, each county judge shall cover one week of first appearances, arraignments, and small claims pretrials.

B. Regular weekday first appearances will be held every weekday morning beginning at or around 9:00 a.m., per the four county judges' respective, preferred start times.

C. Regular county court arraignment sessions for out-of-custody defendants will be held every Wednesday (non-traffic), and Thursday (traffic) beginning at 1:00 p.m. In custody arraignments are to be scheduled by each judge.

D. This order shall not apply to holidays and weekends.

E. This order shall not preclude the judge responsible for presiding over any first appearance or county court arraignment session from deviating from the provisions of this order to accommodate holidays or other special circumstances.

F. This order shall not preclude any judge from accepting a plea and imposing a sentence during first appearances or arraignments.

3. This Order shall take effect immediately **and** will remain in effect unless amended by Administrative Order.

DONE AND ORDERED, in chambers at Ocala, Marion County, Florida, this 20th day of August 2024, *nunc pro tunc* to June 6, 2024



LISA HERNDON
Administrative Judge, Marion County