

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

RE: MOTIONS FOR DISCHARGE

ADMINISTRATIVE ORDER

WHEREAS, Florida Rule of Criminal Procedure 3.191, Speedy Trial, requires that the State of Florida Bring to trial every person charged with a crime by indictment or information within ninety (90) days if the crime charged is a felony, and

WHEREAS, Florida Rule of Criminal Procedure 3.191 (d) (1), Motion for Discharge, requires that the Court shall treat a Motion for Discharge as timely filed if it is filed and served on nor after the expiration of the periods of time for trial provided by Florida Rule of Criminal Procedure 3.191(a) (1), and

WHEREAS, a Motion for Discharge must be filed after the period of time for trial has expired, and

WHEREAS, the Rule of Criminal Procedure 3.191 does not provide for service upon the State of Florida or upon the Judge to whom the case is assigned, and

WHEREAS, Rule of Judicial Administration 2.050(b) allows the Chief Judge to enter administrative orders as necessity requires in order to maintain the effectiveness of the system,

NOW, THEREFORE, the following procedure will be used regarding Motions for Discharge:

1. The defense attorney will file the original Motion for Discharge with the Clerk of Court's office and serve a copy on both the State Attorney's office and the presiding Judge of the division to whom the case is assigned.

2. The Clerk of the Court's office will immediately contact the Judge's Judicial Assistant, who will schedule the Motion for Discharge on the Judge's calendar for the appropriate Criminal Division on the second day following the filing of said motion, thereby alerting both the Judge and the State Attorney's office of the filing.

3. In the event the presiding Judge can not hear the Motion of Discharge on the second day following the filing of the Motion for Discharge, the Clerk of the court shall notify the presiding Judge's alternate.

DONE AND ORDERED at Orlando, Florida, this \_\_\_\_\_ day of August, 1990.

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Emerson R. Thompson, Jr.  
Chief Judge

Copies to:

All Circuit & County Judges, Ninth Judicial Circuit