

IN THE CIRCUIT COURT OF THE 16th
JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA, IN AND FOR MONROE COUNTY

ADMINISTRATIVE ORDER: 4.008

IN RE:

LOCATION OF DEPOSITIONS
IN CRIMINAL CASES

WHEREAS, Florida Rule of Criminal Procedure controls the taking of discovery depositions, and provides that depositions of witnesses residing in the county shall be taken in the building where the trial shall be held, such other location as agreed upon by the parties, or in a location designated by the Court; and

WHEREAS, the safety and convenience of the victims, witnesses, and parties to criminal proceedings has been a long-standing concern of the judges of the 16th Judicial Circuit; and

WHEREAS, the three separate Court facilities in the 16th Circuit do not currently provide sufficient space for all such depositions to be held in the courthouses themselves, and each court location presents different concerns and issues; and

WHEREAS, upon the completion of the Freeman Justice Center in Key West, there will be adequate space for depositions to be conducted in the building where the trial shall be held; and

WHEREAS, the Office of the State Attorney, the Office of the Public Defender, and members of the private defense Bar have met with the Chief Judge, and have reached certain agreements regarding the location of depositions, and such agreements serve the interests of victims, civilian witnesses, law enforcement witnesses, and the attorneys involved, it is now therefore

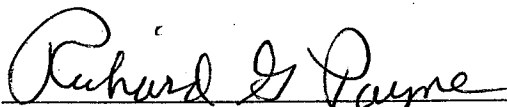
ORDERED, that the following procedures be followed:

1. In Key West, in cases involving the State Attorney and the Public Defender, depositions of law enforcement officers and civilian defense witnesses, shall be held

in the Public Defender's Office. Depositions of victims and civilian witnesses on the State's witness list shall be held in the Courthouse or in the Office of the State Attorney.

2. In Key West, in cases involving the State Attorney and private defense counsel, depositions of law enforcement witnesses and defense witnesses may be held in the office of defense counsel provided such office is within the city of Key West. Depositions of victims and civilian witnesses on the State's witness list shall be held in the Courthouse or in the Office of the State Attorney.
3. In Marathon, the State Attorney and Public Defender occupy the same office building, and there is no dispute regarding the location of depositions.
4. In Plantation Key, the State Attorney's office is in the courthouse building. Depositions shall be scheduled in the State Attorney's office or in other space within the court facility as may be available. The State Attorney shall not be required to travel throughout the Upper Keys to the offices of private counsel for depositions.
5. Parties wishing to schedule depositions in any courthouse facility, other than in the State Attorney's office in Plantation Key, shall contact Court Administration to reserve the space needed.
6. Nothing contained in this order shall prevent counsel from agreeing to a different location for depositions as circumstances may require, nor shall anything in this order relieve counsel from their duty of providing reasonable written notice or making a good faith effort to coordinate the scheduling of the deposition.

DONE AND ORDERED at Key West, Monroe County, Florida, this 11th day of May, 2006.



Hon. Richard G. Payne
Chief Judge