

81-17

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AT THE TIME AND DATE NOTED
PAUL F. HARTSFIELD
CLERK OF CIRCUIT COURT

IN THE SECOND JUDICIAL
CIRCUIT OF FLORIDA

OFFICE OF THE CHIEF JUDGE

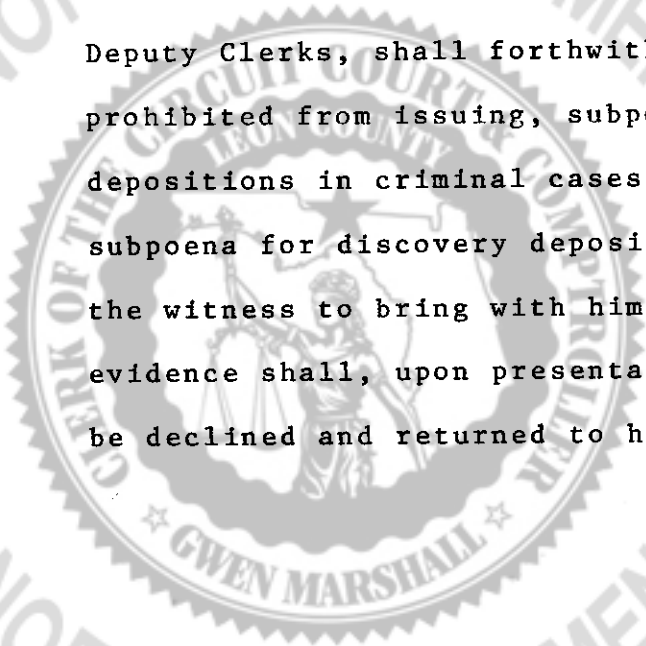
ADMINISTRATIVE ORDER NO. 81-17

RE: Prohibiting all Circuit Court Clerks in Second Judicial
Circuit from receiving Praecipos or issuing Subpoena
Duces Tecum at the request of defense counsel for
Criminal Discovery Depositions.

THIS MATTER having come before the undersigned Chief Judge
upon the written presentation of Donald S. Modesitt, State Attorney
of this Circuit, advising the Court of the facts contained herein
below; and the Court finding that the Clerks of the Circuit Courts
of this Circuit (and also in their capacity as Clerks of the County
Courts) have been issuing subpoenas duces tecum for discovery
depositions in criminal cases upon praecipe of the various assistant
public defenders and other defense counsel; and the Court finding
no authority in Rule 3.220(d), RCrP, for a discovery deposition
subpoena to additionally compel that the witness bring with him any
reports, documents, or other evidence of whatever kind or form; and
the Court further finding that subsection (a)(1) of that same Rule
3.220 provides the manner and means by which the defense may dis-
cover materials in criminal cases; and the Court further having
received the response of the Public Defender in this regard and the
Court further having been advised that the Judges of the Criminal
Division of the Circuit Court are unanimously in accord with the
State's legal position and with the Administrative Order herein
entered, it is thereupon accordingly

ORDERED AND ADJUDGED:

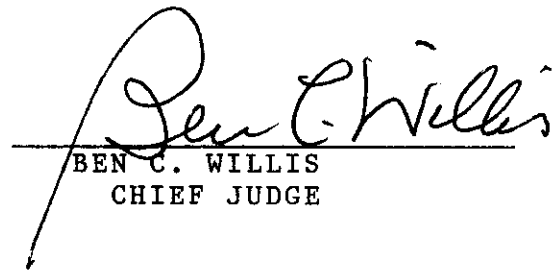
1. That the Clerks of the Court of this Circuit, and their
Deputy Clerks, shall forthwith cease issuing, and they are hereby
prohibited from issuing, subpoenas duces tecum for discovery
depositions in criminal cases upon praecipe of defense counsel. Any
subpoena for discovery deposition which additionally seeks to compel
the witness to bring with him any reports, documents, or other
evidence shall, upon presentation for issuance by defense counsel,
be declined and returned to him or his office.



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2. Nothing herein shall preclude the issuance of such a duces tecum subpoena for discovery deposition when ordered by a Judge after motion, notice and hearing thereon pursuant to subsection (a)(5) of Rule 3.220, in which event the praecipe and proposed subpoena duces tecum, when presented to the Clerk for issuance, shall have attached thereto a true copy of the Court's Order directing the issuance of same.

DONE AND ORDERED in Chambers at Tallahassee, Florida, this 10th day of July, A.D. 1981, to become effective immediately.


BEN C. WILLIS
CHIEF JUDGE

Copies to:

- State Attorney
- Public Defender
- All Clerks
- Second Judicial Circuit
- All Judges
- Second Judicial Circuit

