

IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT, IN AND FOR BROWARD
COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. III-91-D-3

IN RE:

CRIMINAL APPEALS
INDIGENT DEFENDANTS

In accordance with the authority vested in the Chief Judge by Rule 2.050 of the Florida Rules of Judicial Administration, it is

ORDERED that:

1. Whenever the office of the Public Defender for the Seventeenth Judicial Circuit has represented indigent defendants or children in the trial court and said defendants are found to be indigent for purposes on appeal, the office of the Public Defender for the Seventeenth Judicial Circuit shall remain as attorney of record until the record of appeal is completed. When the record on appeal is completed, the Clerk of Court shall notify the office of said Public Defender. At that time, the office of said Public Defender may file a designation of the Public Defender for the Fifteenth Judicial Circuit to represent said indigent defendant or child on appeal. If such designation is filed, the Clerk of Courts shall forward the defendant's copy of the record on appeal to the office of the Public Defender for the Fifteenth Judicial Circuit.

2. Whenever private counsel or specially appointed public defenders have represented defendants or children in the trial court and desire to withdraw from the case, have the defendant or child declared indigent, and have the office of the Public Defender appointed for the purpose of appeal, the following procedures shall be enforced before the said counsel is permitted to withdraw:

(a) Trial Counsel shall have the defendant or child declared indigent for purpose of appeal and have the appropriate order filed.

(b) Trial counsel shall file the notice of appeal, statement of judicial acts to be reviewed, and designation to the court reporter.

(c) Trial counsel shall remain as attorney of record until the record on appeal is completed, and shall retain the ministerial duty of ensuring that the record on appeal is prepared promptly, accurately, and properly.

(d) When the record on appeal is completed, the Clerk of Court shall notify the appropriate trial counsel. At that time the appropriate counsel may file a designation of the Public Defender of the Fifteenth Judicial Circuit to handle the appeals to the Supreme Court of Florida or the Fourth District Court of Appeals. If such designation is filed, the Clerk of Court shall forward the defendant's copy of the record on appeal to the office of the Public Defender of the Fifteenth Judicial Circuit. If the appeal is to the Circuit Court for the Seventeenth Judicial Circuit, trial counsel may file a designation of the Public Defender for the Seventeenth Judicial Circuit to handle the appeal. If such designation is filed, the Clerk of the Court shall forward the defendant's copy of the record on appeal to the office of the Public

Defender of the Seventeenth Judicial Circuit. If no designation is filed by trial counsel, the Clerk shall forward defendant's copy of the record on appeal to trial counsel.

(e) The office of the Public Defender shall be given notice and an opportunity to be heard whenever private counsel or special public defenders move to withdraw pending appeal in order to assure that these procedures have been followed in each case.

3. Payment of costs for a transcript of proceedings shall be for an original and one copy only, at the approved page rate in effect on the date of the designation to the court reporter. The attorney filing the designation shall designate the court reporter to prepare and file with the Clerk of Court and original and one copy only of the transcript. The Court Administrator shall then make additional copies of the transcript as are needed for furnishing to the parties, and the Clerk shall furnish the copies to the parties as appropriate.

4. This Order shall be effective immediately.

DONE AND ORDERED in chambers in Fort Lauderdale, Broward County, Florida this 10th day of October, 1991.

/s/DALE ROSS
DALE ROSS, Chief Judge