

**IN THE THIRTEENTH JUDICIAL CIRCUIT
HILLSBOROUGH COUNTY, FLORIDA**

ADMINISTRATIVE ORDER S-2010-012

BLANKET DISCOVERY

The State Attorney and the Public Defender both recognize that in certain cases the institution of a Blanket Notice of Defendant's Intent to Participate in Discovery and Defendant's Demand for Favorable and Impeachment Information ("Blanket Notice and Demand"), pursuant to Florida Rule of Criminal Procedure 3.220 and Florida Rule of Juvenile Procedure 8.060, will promote efficiency without prejudicing the defendant or the state.

The Public Defender has submitted a Blanket Notice and Demand to the State Attorney, a copy of which is attached to this administrative order. The State Attorney has agreed to accept the attached Blanket Notice and Demand thereby obligating him and his office to comply with the applicable provisions of Florida Rule of Criminal Procedure 3.220 within 15 days after the later of: (1) the filing of the charging document or (2) the appointment of the Office of the Public Defender in any Circuit Court non-indictment criminal case. The State Attorney has also agreed to comply with Florida Rule of Juvenile Procedure 8.080 within 5 days after the later of: (1) the filing of the charging document or (2) the appointment of the Office of the Public Defender in the Juvenile Division of the Circuit Court.

Pursuant to Florida Rule of Criminal Procedure 3.220(b)(1) and (b)(4), Florida Rule of Juvenile Procedure 8.060(a)(1) and (b), *Brady v. Maryland*, 373 U.S. 83 (1963); *United States v. Agurs*, 427 U.S. 97 (1976); *United States v. Bagley*, 473 U.S. 667 (1985); and *Kyles v. Whitley*, 514 U.S. 419 (1995), the Public Defender has submitted the attached Blanket Notice and Demand as full and complete notices of intent to participate in discovery, in the absence of filing a timely Notice of Opting Out of the Blanket Notice and Demand.

The Public Defender has agreed to provide the State Attorney with a written Notice of Opting Out of the provisions of her Blanket Notice and Demand if discovery is not desired in any particular case. Any Notice of Opting Out will be filed at or before arraignment and before acceptance of any discovery materials.

By the power vested in the chief judge under Florida Rule of Judicial Administration 2.215(b)(2), it is therefore **ORDERED**:

1. Non-indictment Circuit Criminal Cases

For purposes of discovery pursuant to Florida Rule of Criminal Procedure 3.220, the attached Blanket Notice and Demand is determined to be filed in each Circuit Court

non-indictment criminal case at the time of the appointment of the Office of the Public Defender, except in those limited cases in which the Office of the Public Defender has timely filed and submitted to the State Attorney a Notice of Opting Out of the Blanket Notice and Demand.

2. Juvenile Delinquency Cases

For purposes of discovery pursuant to Florida Rule of Juvenile Procedure 8.060, the attached Blanket Notice and Demand is determined to be filed in each juvenile delinquency case at the time of the appointment of the Office of the Public Defender, except in those limited cases in which the Office of the Public Defender has timely filed and submitted to the State Attorney a Notice of Opting Out of the Blanket Notice and Demand.

3. Full and Complete Notices

The Blanket Notice and Demand is to be treated as full and complete Notices of Intent to Participate in Discovery pursuant to Florida Rule of Criminal Procedure 3.220(b)(1) and (b)(4) and Florida Rule of Juvenile Procedure 8.060(a)(1) and (b) and pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963); *United States v. Agurs*, 427 U.S. 97 (1976); *United States v. Bagley*, 473 U.S. 667 (1985); and *Kyles v. Whitley*, 514 U.S. 419 (1995).


4. Timely Notice of Opting Out

The Public Defender agrees to provide the State Attorney with a written Notice of Opting Out of the Blanket Notice and Demand if discovery is not desired in any particular case. Any Notice of Opting Out will be filed and submitted to the State Attorney at or before arraignment and before acceptance of any discovery materials.

5. Effective Date

This administrative order is effective February 1, 2010.

It is ORDERED in Tampa, Hillsborough County, Florida, on this 25th day of January, 2010.



Manuel Menendez, Jr., Chief Judge

Attachment: Notice of Defendant's Intent to Participate in Discovery and Defendant's Demand for Favorable and Impeachment Information

Original to: Pat Frank, Clerk of the Court

Copy to: All Criminal Justice Division & Juvenile Delinquency Division Judges
Mark Ober, State Attorney
Julianne Holt, Public Defender

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA**

**IN RE: NOTICE OF DEFENDANT'S INTENT TO PARTICIPATE IN
DISCOVERY AND DEFENDANT'S DEMAND FOR FAVORABLE AND
IMPEACHMENT INFORMATION**

**TO: MARK OBER, STATE ATTORNEY
THIRTEENTH JUDICIAL CIRCUIT**

Pursuant to Rule 3.220, Florida Rules of Criminal Procedure, Rule 8.060, Florida Rules of Juvenile Procedure and *Brady v. Maryland*, 373 U.S. 83 (1963), *United States v. Agurs*, 427 U.S. 97 (1976), *United States v. Bagley*, 473 U.S. 667 (1985) and *Kyles v. Whitley*, 514 U.S. 419 (1995), I hereby give our Notice of Election to Participate in Discovery in all Circuit Court non-indictment criminal cases, and all Circuit Court Juvenile Division cases in Hillsborough County wherein a charging document has been filed, the Defendant / Child has been adjudged indigent, and the Office of the Public Defender has been appointed pursuant to Section 27.52, Florida Statutes, or other Order of the Court.

This Notice of Election does not apply to any case where the Defendant / Child has been charged with any crime via the filing of an indictment. In limited non-indictment cases, where because of a desire to avoid issues related to Chapter 119, Florida Statutes, it is necessary to raise issues related to the potential need to limit the scope of the public disclosure of certain discovery materials, The Office of the Public Defender accepts the responsibility of filing a Notice to opt out of the applicability of these provisions. This Notice of Opting Out will be filed at or before the arraignment of the Defendant / Child and before the acceptance of any discovery materials.

Thereafter, any motions related to Chapter 119, Florida Statutes will be filed within thirty days after the arraignment.

I acknowledge that this Notice of Defendant's Intent to Participate in Discovery incurs the reciprocal responsibility to provide your office with information required by Rule 3.220, Florida Rules of Criminal Procedure, and Rule 8.060, Florida Rules of Juvenile Procedure.

This Notice of Intent to Participate in Discovery is not intended to have any effect on the current agreement between the Office of the State Attorney and the Office of the Public Defender of the Thirteenth Judicial Circuit that copies of police reports, in the possession of the Office of the State Attorney, will be provided, along with a plea offer, prior to scheduled arraignments to provide the opportunity for resolution of the case at arraignment and to avoid the necessity of children and their parents appearing for an additional court hearing when possible.

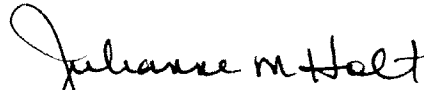
The Office of the State Attorney will have five days after arraignment to provide a formal Answer to Discovery, pursuant to Rule 8.060(a)(2), Florida Rules of Juvenile Procedure. However, as an additional element of this Notice to Participate in Discovery, The Office of the Public Defender of the Thirteenth Judicial Circuit agrees to not file a Motion to Compel Discovery, in the event of a failure to respond timely until the eighth day after arraignment.

In the event where private counsel, Regional Counsel, or conflict counsel subsequently enters an appearance in a case, where discovery materials have been received, I agree to provide the discovery materials, or copies thereof to said counsel.

This blanket notice is made effective and will remain in effect until and unless it is revoked in writing and delivered to you by myself or my successor in office.

I HEREBY CERTIFY that a copy of the foregoing notice has been furnished by hand delivery to MARK OBER, State Attorney, Office of the State Attorney of the Thirteenth Judicial Circuit, on the 15th day of February, 2010.

Respectfully submitted,



JULIANNE M. HOLT
PUBLIC DEFENDER
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