

**IN THE CIRCUIT COURT, FOURTH JUDICIAL CIRCUIT,
IN AND FOR DUVAL COUNTY, FLORIDA**

ADMINISTRATIVE ORDER NO. 2021-08

RE: CONDUCTING DEPOSITIONS IN CRIMINAL CASES DURING THE COVID-19 EMERGENCY

WHEREAS, on March 9, 2020, Governor DeSantis of the State of Florida declared a state of emergency due to the outbreak of the Coronavirus in our State;

WHEREAS, on March 13, 2020, the Supreme Court of Florida entered Administrative Order No. AOSC20-13 regarding COVID-19 Emergency Procedures in the Florida State Courts, which ordered the temporary suspension of various court proceedings and noted that "mitigating the effects of COVID-19 is a high priority in the Florida State Courts System";

WHEREAS, on March 18, 2020, the Supreme Court of Florida entered Administrative Order No. AOSC20-16 regarding COVID-19 Emergency Procedures for the Administering of Oaths Via Remote Audio-Video Communication Equipment which stated that "a public health emergency currently exists in Florida requiring mitigation including social distancing measures meant to reduce the increase in person-to-person transmission of the virus that causes COVID-19" and ordered that "[n]otaries and other persons qualified to administer an oath in the State of Florida may swear a witness remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the witness";

WHEREAS, AOSC20-16 further ordered that "[a]ll rules of procedure, court orders, and opinions applicable to remote testimony, depositions, and other legal testimony...that can be

read to limit or prohibit the use of audio-video communications equipment to administer oaths remotely...are hereby suspended”;

WHEREAS, in order for the parties to be prepared for resuming jury trials, depositions of witnesses must continue to be conducted by the Office of the State Attorney, the Office of the Public Defender, the Office of Criminal Conflict and Civil Regional Counsel, and members of the private bar;

WHEREAS, in order to comply with the instructions from Governor DeSantis and the Supreme Court of Florida, and in order to appropriately respond to the current public health emergency, this Court finds that it is in the best interest of all parties that are directly involved with conducting depositions in criminal cases that in-person contact be limited as much as possible during the current emergency;

WHEREAS, this Court previously entered Administrative Order No. 2020-18 which included Attachment A entitled Deposition Procedures During COVID-19 Public Health Crisis that was developed by a “working group of members of the Office of the State Attorney, the Office of the Public Defender, the criminal defense bar, and court reporters” for depositions during the emergency so that depositions could continue while limiting in-person contact as much as possible;

WHEREAS, in order to effectuate the deposition procedures outlined in Attachment A, this Court suspended the requirements of Amended Administrative Order No. 95-4 which designates the location of depositions in criminal cases in Duval County so that depositions may be taken using video conferencing;

WHEREAS, section II.C. of Attachment A states that “[v]irtual depositions shall be recorded at the request of the court reporter for the purpose of preparing a transcript. Otherwise,

virtual depositions shall be recorded only by agreement between the Assistant State Attorney (ASA) and Defense Counsel. Witnesses shall not record the deposition by any electronic means, to include video or audio recordings”;

WHEREAS, in order to accommodate as many depositions as possible to further the preparation for and completion of jury trials, this Court is clarifying section II.C. to specifically permit a court reporter in a criminal deposition to record the deposition using the record function on Zoom when agreed upon by the Assistant State Attorney and the attorney for the defendant, or by any other method that is agreed upon by the Assistant State Attorney and the attorney for the defendant;

WHEREAS, any recording that is made pursuant to this Administrative Order shall be kept by the court reporter and shall remain in his or her care and custody;

WHEREAS, if any such recording takes place in the Duval County Courthouse by a court reporter in a criminal deposition, the act of recording will not violate any administrative order previously entered by this Court that prohibits recording within the Duval County Courthouse;

WHEREAS, neither counsel nor any witnesses shall at any time by any electronic means whatsoever record any deposition, which shall include any video or audio recordings, and such a recording would violate the administrative orders previously entered by this Court that prohibit recording within the Duval County Courthouse;

NOW THEREFORE, by the authority vested in me as the Chief Judge of the Fourth Judicial Circuit and pursuant to the Florida Rules of Judicial Administration, it is hereby

ORDERED AND ADJUDGED that:

1. As of the date of this order, the requirements of Amended Administrative Order No. 95-4 which designates the location of depositions in criminal cases in Duval County continue to be suspended.

2. The requirements of Administrative Order No. 2020-18 and the procedures contained in Attachment A to that order shall remain in full force and effect subject to the changes in this Administrative Order.
3. This Administrative Order shall be recorded by the Clerk of the Court, in the Official Records of Duval County, in the State of Florida, shall take effect immediately, and shall remain in full force and effect until further order of this Court.

DONE AND ORDERED in Chambers at Jacksonville, Duval County, Florida, this 29th day of April, 2021.



MARK H. MAHON
CHIEF JUDGE

- c:
- All Judges in the Fourth Judicial Circuit
 - All Magistrates in the Fourth Judicial Circuit
 - The Honorable Ronnie Fussell, Clerk of Courts, Duval County
 - The Honorable Charles G. Cofer, Esq, Public Defender
 - The Honorable Melissa W. Nelson, Esq., State Attorney
 - The Honorable Jason R. Gabriel, Esq., General Counsel
 - The Honorable Mike Williams, Sheriff, Jacksonville Sheriff's Office
 - Major Claude Colvin, Jacksonville Sheriff's Office, Courthouse Security
 - Joseph G. Stelma, Fourth Judicial Circuit Trial Court Administrator
 - Eve Janocko, Chief Deputy Trial Court Administrator
 - Mike Smith, Court Technology Officer
 - Steven Woodard, Emergency Preparedness Director
 - Julie K. Taylor, Court Counsel
 - Stephen Siegel, Esq., Office of the State Attorney
 - Janet Abel, Circuit Director, Office of Criminal Conflict and Civil Regional Counsel
 - Shannon Schott, President, FACDL (local chapter)
 - Official Court Reporters
 - Fourth Circuit Court Law Library, Duval County
 - Judicial Staff Attorneys, Fourth Judicial Circuit
 - The Jacksonville Bar Association