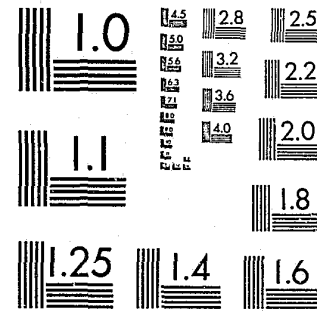


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National Institute of Justice
United States Department of Justice
Washington, D. C. 20531

10/17/83

STRUCTURED PLEA NEGOTIATIONS

FINAL REPORT

89330

by: Connie M. Burnett
Carol A. Warda

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FOREWORD

Throughout the Structured Plea Negotiation Conferences, there was no doubt but that plea bargaining was here to stay. It was only a matter of refining the definition of the process and broadening its scope in application.

During the two-year study, a variety of definitions of plea bargaining surfaced, bringing an equal number of attitudes. The SPN staff sought to remedy the situation by establishing a definition according to the test design and to set rules for its operation to give it structure.

The explicit nature of the conference gave plea bargaining a more equitable method of dealing with defendants, victims and the state. By the end of the test, several points had been noted--that the benefits to be gained from open and informal discussions in conference far outweigh the limited advantages found in the implicit bargaining that has gone on as a matter of course. Response of the public or true victim indicates support of the procedure, exhibited through their participation in the conferences.

The Sixth Judicial Circuit sanctions not only the explicit guidelines established for bargaining purposes as an improvement in the criminal justice system but also acknowledges the fact that, without structured pleas, the courts would be contributing to an overwhelming, crowded docket.

Harry W. Fogle
Circuit Judge

PREFACE

The Structured Plea Negotiations Project in Clearwater, Florida, sought to implement a set of procedures by which plea bargaining could be conducted in a manner proved equitable to all participants concerned, efficient to the court system by saving time on the trial and motion dockets, and an effective method capable of producing legitimate dispositions.

The staff of the Structured Plea Negotiations Project is indebted and grateful to many individuals and agencies for their cooperation, support and encouragement in the administration of this study.

The Pinellas County Circuit Felony Judges, who gave so much of their time and wisdom to make our efforts in the coordination of the conferences successful were:

Hon. Harry W. Fogle
Hon. Philip A. Federico
Hon. Thomas E. Penick
Hon. James B. Sanderlin

We also extend our gratitude to the Offices of James T. Russell, State Attorney and Robert E. Jagger, Public Defender, for their cooperation and support throughout the grant period. Appearing for the State Attorney were James Dodson, Chief Prosecutor, Larry Hart and Larry Sandefer, Assistant State Attorneys, and Robert Walker, SAO liaison for our staff. Appearing for the Public Defender were Richard Robbins, Steve Mezer, Stephanie Willis, Paul Ley, Bonnie Rountree and Tom Michaels.

Our thanks also to the bailiffs who handled the flow of traffic of all participants so diligently and efficiently.

We also wish to thank several departments within the court house: The Clerk of the Court, the court reporters, the Data Processing Unit, specifically Clark McAndrews who with Chuck Fennesy, Michael Masich and Pat Phelps were able to design, maintain and supply

our project staff with all of the computer programming necessary for tracking the participants selected for conferences. These individuals were the gears that maintained our rate of progress.

Our appreciation is extended to the many other persons, too numerous to mention individually, who assisted the SPN project in this endeavor.

ABSTRACT

The sole purpose of the SPN Project in the Sixth Judicial Circuit was to provide the courts with an opportunity to conduct plea negotiations in a structured setting. The project sought to implement a process of plea-negotiations equitable to all parties by notifying all participants and encouraging them to take part during the negotiations, all in an informal atmosphere. The SPN staff outlined the procedures that would encourage efficiency within the criminal justice system, thereby saving valuable time on the court's motion and trial calendar. An effective negotiations system was produced by the conference structure and the procedures that were outlined. As a result, the participants involved viewed the experience as more enlightening and felt, to a greater extent, that justice, as they knew it, had been served.

In order to obtain a total look at the effects of the SPN projects' efforts, a control group was also selected at the same time and studied. This group provided data to be used in comparative and evaluation purposes.

EXECUTIVE SUMMARY

INTRODUCTION

In June of 1980, the Sixth Judicial Circuit was awarded a grant in the amount of \$167,782 by the National Institute of Justice to study the impact and feasibility of plea negotiations in a structured, but informal, setting.

The test design set forth three goals that would be evaluated in determining the success of the project. Ultimately, the test sought to measure the:

1. Equity of dispositions offered at conferences to all participants;
2. Efficiency of such conferences on the court and motion calendars;
3. Effectiveness of the participants' perception of a fair and just resolution through their involvement.

The study included two groups--a test and a control. Both groups were selected similarly--through random selection process.

Once selected for either group, the case was identified by the case number assigned and became "tagged" through the criminal justice information system. The CRT unit provided us with a method to accurately measure the progress of the conferences regularly and a screen to visually monitor all tagged cases.

A total of 1082 cases were originally selected for a test conference. Of this figure, 569 conferences were actually held. The selection for the test group was followed by a court order directed to the respective defendants and attorneys, informing them of a set pre-trial conference. The defendants and their attorneys had the option of accepting or rejecting the date. While substantiated reasons were not required, the SPN staff were usually

Executive Summary - 2

informed of an attorney's desire to pursue PTI or scheduling problems with their client. All in all, the SPN staff gradually saw familiar attorney faces at conference time as the project progressed. The SPN staff encountered very little determinable resistance in participation from the private sector. The public defender's office, overall, consistently attended pre-trial conferences.

The control group, which totalled 810, was monitored solely through the CJIS, with the aid of the CRT unit. No direct contact was made by our SPN staff. Identification of key participants was accomplished by reading the actual case file in the records of the Clerk of the Court by staff members.

This information was supplied to INSLAW in Washington, D. C. for further research and comparison studies. Those cases chosen for the control group went about the business of seeking final dispositions by whatever avenues their attorneys chose to pursue, including, but not limited to, their own method of plea negotiation.

Of the 570 conferences held, a total of 441 cases were settled (77%) by a negotiated plea. The remaining 129 cases did not accept the offer made at conference and pursued other methods of reaching a mutually acceptable final disposition, including a jury trial. A total of 21 defendants chose trial. These trials resulted in verdicts of 10 guilty as charged, 3 guilty of lesser but included charges and 8 not guilty. Of the 570 cases, there was only one instance where a defendant withdrew the guilty plea he had entered at conference and asked for a jury trial and was subsequently acquitted.

The average length of time between the random selection and the conference date was 14 days. This is one area we were able to compare to the control group in an attempt to assess the saving of time on the court calendar. The average length of time a control case required for final disposition normally extended to 51.9 days.

Executive Summary - 3

The conferences were structured with various "safeguards" that reinforced the project's goal of efficiency. In order to make structured pleas an efficient operation, it was imperative that these rules be understood by all participants. The very first and probably most important premise was the assumption of guilt. The intention of the conference was to find an amicable solution to the actual charge. If there was any doubt that the defendant was wrongly accused, the entire conference was cancelled and the defendant was legally advised by the judge to seek a jury trial. This premise served several purposes, one being that the design of the study attempted to avoid any appearance of coercion of a defendant to plead guilty to charges to which he or she claimed innocence. This is also in keeping with the Pinellas County State Attorney's office policy regarding charge bargaining. The layman's term "pleading straight up" was the emphasis of the negotiations.

The SPN staff found this rule to be satisfactory to almost all participants. This rule, more than any other attempts to make plea bargaining more palatable to the public and especially to the particular victim. Its purpose is threefold:

1. Portrays an actual record of the defendant's charge at arrest or indictment.
2. Provides the courts with more control should the defendant not fulfill the conditions of the negotiated sentence.
3. Improves the public image of plea bargaining by refusing to sacrifice equity towards all concerned for expediency.

Another rule that further reinforced the structure of the conference was the expectation that all discovery be completed, or at least not conducted, during the course of the conference itself. Admittedly, this was one role that was difficult to enforce because of lay staff's unfamiliarity with the rules of discovery. However, we found the majority of attorneys straightforward and direct in their approach. On occasion,

Executive Summary - 4

we relied on the judge to bring this rule to the attention of the participants. This rule also supported the expediency of the conference.

With the issue of guilt resolved and all motions for discovery settled, the business of negotiating a sentence could be discussed. The SPN staff found that this segment actually required less than 15 minutes, consistently.

Equipped with stop watches, the SPN staff recorded, in content, only topics of discussion among the participants in 10 second intervals. Consistently, we found the conferences began with:

1. The State describing the facts of the case. (As they are prepared to show)
2. The Defense either elaborating with other facts or merely stipulating.
3. The Judge querying both sides on their idea of a fair disposition.

In instances where the defendant and victim were present, the defendant, more often than not, limited his or her statements to a criminal history, if there was one. Occasionally, the defendant would offer an explanation of his or her role in the charge. Victims, overwhelmingly, limited their statements to the subject of restitution and/or rehabilitation of the defendant. Even in cases where serious bodily injury had occurred, we found victims who did not wish for the defendant to serve state prison time.

Because the conferences allowed for the defendant to make statements that could not be used against him or her should he or she decide to reject the offer for a jury trial, a more accurate picture was available on which to base an equitable disposition. The SPN staff also found that dispositions offered at conference were designed to fit the defendant's charge, rather than merely the penalty for the specific count. This was especially noticed by the conditions imposed by the court when sentencing was ordered. Specific needs of the

Executive Summary - 5

defendant, as well as the victim, were appraised by the court. If, for example, a defendant revealed a drug or alcohol problem related to his or her criminal behavior, conditions requiring participation in a rehabilitation program were incorporated in the sentence. If a victim indicated a need for restitution, payment of medical bills or a fear of the defendant, corresponding conditions were also meted out in an attempt to make the victim "whole."

The SPN staff also found that a relationship between victim and defendant very often existed (even if indirect) before the actual crime was committed. This, of course, is a significant factor in influencing a victim's desire for rehabilitation for the defendant, with little or no desire for retribution.

The SPN staff found that, time after time, the very structured setting of the pre-trial conferences provided an opportunity for the participants to see each other in more than merely the roles of state, defense, court, defendant and witness for the prosecution. This finding is apparent through the topics of discussion, participation of the respective individuals and the "tailor-made" disposition and conditions to the plea.

In SPN conferences, the courts attempted to resolve these issues in an equitable manner to all concerned. It was with the guideline of the project that respective participants were able to acquire a more enlightened view of plea negotiations, reach a fair disposition and expedite their particular case through the negotiations.

SIXTH JUDICIAL CIRCUIT

North County

Clearwater, Florida

This project was supported by 80IJCX0024, awarded by the DJARS Agency, U. S. Department of Justice, under the Omnibus Crime Control and Safe Streets Act of 1968, as amended. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the U. S. Department of Justice.

OBJECTIVES

This final report is composed of the year-long efforts of the Structured Pleas Negotiations Staff (SPN) to implement the test design of structured pleas in the Sixth Judicial Circuit, (North County) Clearwater, Florida.

The design intended to study the feasibility and impact of structured negotiations by reaching three specific goals, these goals being equity, effectiveness and efficiency. Each goal had its own method in reaching a measurable objective toward the particular goal.

Equity, the fairness of structured pleas, was measured by the conferences's ability to produce plea agreements that were consistent in nature, as a result of the more explicit and open process under judicial review.

Though this proved to be the most time consuming of all the goals, it actually was the most important. The victim's participation and the judge's constant review of the entire negotiation process substantially contributed to the image of plea bargaining as a viable and fair judicial process. The final dispositions that resulted were produced in fairness to all participants involved.

The effectiveness of the project was measured in the participant's perception of justice and legitimacy, through their direct involvement in the actual conferences.

From the onset, all participants were encouraged to attend and indicate a fair disposition to the courts before sentencing. Defendants, as well as victims, were allowed to bring others to the conference who could contribute significantly to their position.

Objectives-2

The efficiency of the conferences was measured by the timeliness of the plea. Through the conferences particular structure, pleas were entered routinely, immediately after negotiations. Though the test design did allow for time-consuming P.S.I. reports which delayed the entry of the plea until the day of trial, the majority of defense attorneys indicated their decision at conference. This not only permitted the defendant's to enter the pleas pre-P.S.I., but also allowed the State Prosecutor to call off witnesses and avoid the motions or trial calendars.

It was observed by the SPN staff that the conferences encountered the many criticisms and suspicions generally reserved for the clandestine and self-serving plea bargaining. However, these negative prejudices were eventually replaced with confident support and participation in the project. This was particularly noticed as time progressed and the same defense attorneys continued to accept participation in a conference for their clients. This is not to imply that they consistently accepted the offers after negotiations but simply that recognition of structured plea bargaining under judicial review had made a favorable, if not preferable, mode of negotiations in this circuit.

RESULTS OR BENEFITS EXPECTED AND ACHIEVED

The Structured Pleas Negotiation test design expected to determine the feasibility and impact of plea bargaining under controlled conditions in an informal but judicial setting. Its success was to be determined by the acquisition or surpassing of measurable objectives in the goals established.

The test conferences were expected to be a viable and equitable alternative to the currently practiced mode of plea bargaining. It was not the intention of the SPN to replace or deter anyone from seeking a trial by jury. However, in instances where guilt was not the issue but the type of sentence to be imposed was the focal point on both sides, the test conference consistently proved to be an excellent avenue for judicial disposition.

Under the controlled conditions both sides were able to participate in the negotiations and contribute their opinion on a fair sentence. The anticipated problems of victim and defendant confrontation never occurred.

Of the 570 conferences held (wherein cases included charges ranging from petty retail theft to 2nd degree murder) we experienced only three occasions when participants chose to be heard at separate times during the negotiation process.

The SPN staff found little difficulty in following the basic test design for implementation. Throughout the project, the staff found continuous support, cooperation and even constructive criticism during the test period.

Because of the nature of our study, the SPN staff depended upon several criminal justice agencies for its successful operation.

Results or Benefits Expected and Achieved-2

Each agency--the Judges, Clerk of the Court, State Attorney's Office, Public Defender's Office and Bailiff's Staff contributed to our education in the system of the Sixth Judicial Circuit.

In the area of the lay participants, there was one aspect we were not able to conduct, as identified in the test design. According to the design, the identification and initial contact of the victim was essential. However, the State Attorney's office policy is such that a "true" victim is identified only as a "witness for the prosecution" in the CJI System and during their investigations. It became increasingly difficult to determine whom the correct "victim" was in a particular case. Early in the conference stage, the SPN staff resolved to depend solely on the State Attorney's office to supply victim identification and the initial contact for test cases. For control cases, the SPN staff attempted to identify victims by reading actual case files and arrest reports. The control victims, however, were not informed of the SPN staff studies, they being monitored only through the CJIS on the CRT unit.

The favorable effect that the SPN project produced on the Sixth Judicial Circuit promised that structured plea bargaining will continue, albeit with some alterations. The Sixth Judicial Circuit is combining the north and south county circuit felony case load in one central criminal justice complex. This will have some obvious advantages in processing cases. One of the hurdles that will be eliminated will be the problem of consolidating multiple charges against a defendant.

It is the Sixth Judicial Circuit's intention to keep plea negotiations as an equitable and expeditious method of resolving dispositions for those cases where guilt is not an issue. SPN has gained enough recognition for its value to the system so that pre-trial conference dates are presently assigned to all circuit felony cases before trial dates are assigned. If, at that time, a just disposition is not agreed upon, a trial date is set and negotiations are stopped.

Results or Benefits Expected and Achieved-3

The achievements that the SPN project attempted to accomplish were reached within degrees of success. Implementation steps of case selection, participant notification and attendance, discovery and motions completion and entry of pleas were all observed. The two areas where the SPN staff observed a need for closer observation were in victim notification and timeliness of the negotiated plea. Perhaps a more detailed guideline in victim identification and notification of the conference is in order if victim participation is to be weighed in the disposition offer. Timeliness of the negotiated plea will probably be resolved with the approaching pre-trial schedule at the new criminal justice complex.

APPROACH

The SPN staff began an implementation process in July, 1980 that followed the basic test design developed by the National Institute of Law Enforcement and Criminal Justice and other LEAA and Department of Justice program offices. Deviations from the design were brought about in order to make the project workable in our particular circuit. Perhaps the greatest deviation was the selection target. Cases were determined by boundaries limiting prosecution within the circuit recognized by the courts as north and south county cases. Random case selections from the entire Sixth Circuit, encompassing two counties, would have been virtually impossible.

The original test design called for random selection of 400 control and 400 test cases. Case selection was taken directly from the weekly arraignment calendars. Because of set office policy within the State Attorney's office, there were types of cases that were eliminated before actual case selection began. These particular cases were: all capitol crimes, welfare fraud and bad check charges. Our particular court system routinely sets aside one day a week to handle the latter two case types.

A designated staff member would randomly select test or control cases and assign each one a conference date. Upon selection of the test case, a routine computer check of the defendant's identification number aided in cutting down duplicate selections. The defendant's case would be "tagged" on a CRT memory bank and was able to provide the staff with various types or related information.

The Criminal Justice Information System (CJIS) proved to be a valuable service on which we came to depend. Through the CRT monitoring unit, the staff was well equipped to follow a selected defendant throughout his or her involvement with the criminal justice system. It also provided us with "hard copy printouts" information to be studied periodically and made part of his or her file. Daily visual monitoring of a case was possible through the CRT screen.

Approach-2

The identification of a selected test case would result in a court order indicating time and place then forwarded to the defense attorney. It was the intention of the test design to leave participation in the project on a voluntary basis. Therefore, if a defense attorney did not wish to participate or encountered a conflict with the conference date, the attorney could indicate this and the court order would be cancelled.

Upon cancellation of the court order, the case became a reject and continued to be monitored through the CRT unit. The categories eliminated the possibility of a biased sample. The SPN staff was still able to collect data from the selected group that had cancelled a test conference. Those cases that remained in a test category were identified as such and the list was then forwarded to the State Attorney's office. This information was provided so that the State would be aware of the approaching conference schedules. This also provided them with an opportunity to conduct a search of the defendant's identification in a F.B.I. or Juvenile Rap Sheet. This information, or lack of it, carried a great deal of weight at final disposition.

The office of the State Attorney would identify and/or select their victim for each particular conference. It was their office that notified the victim. After contact from the State Attorney's office, the names, addresses and phone numbers were made available to the SPN staff. The staff then utilized this information to serve as a "back up" in confirming the victim's participation in the conference.

Conferences were scheduled fifteen minutes apart on Friday mornings and were held in the Judge's chambers. Only those participants directly involved with that particular conference were permitted to attend. In addition to the participating members, a bailiff, a court reporter and a clerk of the court attended for the purpose of facilitating the change of plea.

Approach-3

SPN staff was not considered an active participant but rather merely observers and recorders of the range of topics. An average conference required approximately fifteen minutes for all parties to participate. Although the staff did notice an increase in length of conference when a different judge became moderator, an increase in participant attendance coincided.

The usual course of topics ranged from the statement of facts according to the state and defense, a criminal history (or lack of it) in regard to the defendant, as well as age, family status and employment. At this time, a discussion of problems such as psychiatric, drug or alcohol were also mentioned. Occasionally, at this point, either the judge or the victim questioned the defendant, requesting an explanation for the criminal act. The judge always asked a participating victim for an opinion regarding sentencing and conditions. A law enforcement officer took the place of a victim if there was no true victim. Questionnaires were handed out to all cooperative participants and were sent to INSLAW for further research.

We encountered no problems with victims and defendants. Neither did we encounter problems with participants dissatisfied with the final disposition offer. Overall, active participants left the conference with a sense of accomplishment.

Of the 570 conferences held, an average of 77 % withdrew their previous pleas of "not guilty" and entered either a "nolo contendere" or a "guilty" plea. Of this number, only in three of the test cases did a victim express a desire for the defendant to receive a state prison sentence. Overwhelmingly, victims consistently voiced a concern for rehabilitation and restitution as a condition on a sentence. The SPN staff also noted that, in the majority of cases, a victim/defendant relationship existed before the arrest. This may attribute to the previously mentioned observation of the victim's interest in rehabilitation over incarceration.

Approach-4

The SPN staff was able to determine the number of actual test cases that entered pleas based on pre-trial negotiations but no attempt was made to follow the "reject" cases, other than via computer printouts. Speaking solely of those cases that actually attended a conference under certain standards, efficiency of conferences could be measured and compared against the control group. The greatest factor responsible for saving valuable court time was perhaps the standards set for the negotiations--complete discovery, no change in trial date if agreement is not reached and no further discussion if any of the active participants wish to end the conference.

In its efforts for effectiveness, the SPN staff became increasingly aware of the satisfaction and/or curiosity of the victims and other participants in the conferences, believed due to the opportunity to express an opinion and participate in the final disposition of the case.

LESSONS LEARNED

Perhaps the greatest impression made by the SPN conferences was the importance of the coordination efforts.

Without this cooperation from the various participants, i.e., judges, defendants, public defender, state attorney, victims, the program would not have been possible. This coordination effort showed that the pre-trial conference depends on several to operate but can stand on its own as a separate entity. Because of its nature, it is imperative that all inter-dependent participants approach the conference with a sense of trust and with the hope of reaching a mutually-satisfactory disposition.

While acceptance of the offer of disposition should always be the choice of the defendant, (we do not propose to do away with the right to a trial by a jury of peers) a mandatory pre-trial settlement conference could only benefit all the participants involved.

Pre-trials could be set immediately after arraignment. This would allow enough time for the law enforcement agency and the State Attorney's office to conduct a preliminary investigation into the facts. Identification of lay participants (victims especially) should be available at this point. Contact of the victim, regarding appearance at pre-trials, could be handled by the law enforcement agency originally responsible for filing the felony charge or as part of the functions conducted by a pre-trial staff. It is imperative that the victim understand the potential of the SPN conference and encouraged to attend. While victims cannot overrule a disposition offer, he or she can bring to the courts attention verification of loss, physical harm and special needs that have arisen since the alleged crime. This opportunity to be heard is perhaps one of the areas most lacking in present day plea bargaining. To take advantage of this opportunity will only serve to create a better public image of plea negotiations.

PARTICIPATION IN SPN CONFERENCE BY PROSECUTOR,
DEFENSE, AND JUDGE

All participants involved in the SPN project held, with few exceptions, to the roles designated and set forth in the test design. In a few instances, the SPN staff was aware of obvious discussion of case outside of conference--either before and/or after the structured conference. The presence of significant intervening events resulting in this was difficult to determine.

Prosecutors involved in the pretrial program came to conference with sufficient authority to negotiate a settlement and bind the State to an agreement. Failure to complete discovery was noticed as a reason for no discussion in several cases selected for conference. The prosecution was first to speak regarding case, outlining the facts, (according to the filed information) defendants prior arrest record, severity of crime and sentence offer. Victims and/or witnesses were given a chance to speak at this time. The defense was then given a chance to speak and to give a counteroffer, if any. Defendants wishing to address the judge on their own behalf were given an opportunity to speak at this time. The judge weighed both sides and would give his sentence recommendation.

During the SPN project, the judge acted solely as a moderator and facilitator, provided information on likely sentences for a guilty plea and kept discussion within scope of case. All judges, in considering likely sentences, felt it important to receive views from all lay participants. The weight these views carried varied with the different judges. None believed that any one factor was more important than the total scope of the case. The defendant's prior arrest record was seen by the SPN staff as the contributing factor in the severity of sentence from the judge's standpoint. The defendant's personal/social/family background was consistently considered in the judge's sentence recommendation. The judge contributed substantially

Participation in SPN Conference by Prosecutor,
Defense and Judge - 2

less frequently than did prosecutor or defense attorney.
The opposite was found to be true in the Dade County study
of plea negotiations.

Defense attorneys participating in structured negotiation
process, by the very fact of their relation to their client,
used conference as a vehicle for assessing the strength of
their case. Because of the shortage of time set aside for
the conferences, the defendant's plea was not always entered
immediately. In most case, the defendant would enter his
plea on the designated trial date.

SPN STATISTICAL SUMMARY

C L E A R W A T E R

DATE IMPLEMENTATION BEGAN: November 7, 1980

TOTAL NUMBER ELIGIBLE CASES: 1611

. Number selected test: 1082

. Number selected control: 458

RE: SELECTED TESTED CASES:

. Number aborted: 512
(This figure reflects number
aborted before conference,
i.e. PTI, early plea, etc.)

. Number Conferences Held: 570

- Held-Victims Present:	<u>51</u>	<u>20%</u>
- Held-Police Officer Present:	<u>22</u>	<u>9%</u>
- Held-Defendant Present:	<u>72</u>	<u>28%</u>
- Held-Offer Produced:	<u>570</u>	
- Held-Offer Accepted:	<u>441</u>	
- Held-No Conf. Plea	<u>129</u>	
- Held-Went to Trial:	<u>21</u>	

Re: Went to Trial:

- Guilty:	<u>10</u>
- Not Guilty:	<u>8</u>
- Other:	<u>3*</u>

* Guilty to Lesser

SELECTION ACCORDING TO CRIME TYPES

MONTH: DECEMBER, 1980

	CATEGORIES				
	Test	Control	Excluded	Other*	Capias
<u>CRIMES</u>					
Property Crimes	30	42	0	32	4
Crimes Against ⁸ The Person	15	14	1	17	0
All Drug Crimes	15	16	0	19	3
Welfare Fraud/ Bad Checks Defraud/Innkeeper Gambling	2	1	35	5	0
Trafficking	0	0	0	0	0
Capital Cases	0	0	2	0	0
Escape	0	1	0	3	0
Failure to Appear	0	0	0	1	0
Bribery	0	0	0	1	0

* Other Means: All cases that could have been test or control, but not assigned to those categories.

Includes: GT, DSP, BE, Burg. Fraud, etc.

⁸ Includes: R.D., A.A., A.B., K.N., etc.

Do your best to fit the crimes into one of these categories. If you can't create another category and specify the crime type.

In each "month"--include all arraignment lists for that month.

MONTH: JANUARY, 1981

CATEGORIES

	Test	Control	Excluded	Other*	Capias
<u>CRIMES</u>					
Property Crimes	41	57	0	13	9
Crimes Against ⁸ The Person	13	28	0	3	5
All Drug Crimes	29	16	0	3	1
Welfare Fraud/ Bad Checks/Defrauding Innkeeper/Gambling/ Forgery	7	2	42	0	0
Trafficking	0	0	0	0	0
Capital Cases	0	0	0	0	0
Escape	1	2	0	3	0
Failure to Appear	0	0	0	0	0
Bribery	0	0	0	1	0

* Other Means: All cases that could have been test or control, but not assigned to those categories.

Includes: GT, DSP, BE, Burg. Fraud, etc.

⁸ Includes: R.D., A.A., A.B., K.N., etc.

Do your best to fit the crimes into one of these categories. If you can't create another category and specify the crime type.

In each "month"-Include all arraignment lists for that month.

MONTH: FEBRUARY, 1981

	CATEGORIES				
	Test	Control	Excluded	Other*	Capias
CRIMES					
Property Crimes	53	42	0	14	4
Crimes Against ⁸ The Person	28	24	0	11	1
All Drug Crimes	17	19	0	11	2
Welfare Fraud/ Bad Checks /Bookmaking Defrauding innkeeper	8	5	32	6	2
Trafficking	0	4	0	0	0
Capital Cases	0	0	0	0	0
Escape	1	3	0	0	0
Failure To Appear	0	0	0	2	0

* Other Means: All cases that could have been test or control, but not assigned to those categories.

Includes: GT, DSP, BE, Burg. Fraud, etc.

⁸ Includes: R.D., A.A., A.B., K.N., etc.

Do your best to fit the crimes into one of these categories. If you can't create another category and specify the crime type.

In each "month"-Include all arraignment lists for that month.

MONTH: MARCH , 1981

	CATEGORIES				
	Test	Control	Excluded	Other*	Capias
<u>CRIMES</u>					
Property Crimes	30	34	0	30	4
Crimes Against ⁸ The Person	17	16	0	17	3
All Drug Crimes	11	12	0	12	1
Welfare Fraud/ Bad Checks/Forgery	2	0	28	5	0
Trafficking	4	0	0	1	0
Capital Cases	0	0	0	0	0
Perjury	0	1	0	0	0
Conspiracy	0	1	0	0	0
Tampering w/Evidence	0	1	0	1	0
Escape	0	1	0	1	0

* Other Means: All cases that could have been test or control, but not assigned to those categories.

Includes: GT, DSP, BE, Burg. Fraud, etc.

⁸ Includes: R.D., A.A., A.B., K.N., etc.

Do your best to fit the crimes into one of these categories. If you can't create another category and specify the crime type.

In each "month"-include all arraignment lists for that month.

MONTH: APRIL , 1981

	CATEGORIES				
	Test	Control	Excluded	Other*	Capias
<u>CRIMES</u>					
Property Crimes	29	26	0	19	4
Crimes Against ⁸ The Person	21	14	0	9	1
All Drug Crimes	21	17	0	4	1
Welfare Fraud/ Bad Checks/Bookmaking Forgery	2	2	41	2	0
Trafficking	1	4	0	0	0
Capital Cases	0	0	1	0	0
Tampering w/Witness	0	0	0	1	0
Perjury	0	1	0	0	0

* Other Means: All cases that could have been test or control, but not assigned to those categories.

Includes: GT, DSP, BE, Burg. Fraud, etc.

⁸ Includes: R.D., A.A., A.B., K.N., etc.

Do your best to fit the crimes into one of these categories. If you can't create another category and specify the crime type.

In each "month"-Include all arraignment lists for that month.

MONTH: MAY, 1981

	CATEGORIES				
	Test	Control	Excluded	Other*	Capias
CRIMES					
Property Crimes	30	43	0	40	6
Crimes Against ⁸ The Person	21	18	0	14	1
All Drug Crimes	19	15	0	15	2
Welfare Fraud/ Bad Checks/Forgery/ Gambling	3	0	28	5	0
Trafficking	0	2	0	1	0
Capital Cases	0	0	0	0	0
Escape	2	1	0	0	0
Bribery	0	0	0	1	0
Failure to Appear	0	1	0	0	0

* Other Means: All cases that could have been test or control, but not assigned to those categories.

Includes: GT, DSP, BE, Burg. Fraud, etc.

⁸ Includes: R.D., A.A., A.B., K.N., etc.

Do your best to fit the crimes into one of these categories. If you can't create another category and specify the crime type.

In each "month"-include all arraignment lists for that month.

MONTH: JUNE, 1981

	CATEGORIES				
	Test	Control	Excluded	Other*	Capias
CRIMES					
Property Crimes	27	30	0	32	4
Crimes Against ⁸ The Person	14	12	0	16	2
All Drug Crimes	17	18	0	19	5
Welfare Fraud/ Bad Checks/Forgery/ Bookmaking	2	0	38	2	0
Trafficking	1	3	0	0	0
Capital Cases	0	0	0	1	0
Conspiracy	0	1	0	0	0
Escape	0	2	0	1	0
Accessory after/Fact	0	0	0	1	0
Prac/Medicine w/o Lic.	0	0	0	1	0

* Other Means: All cases that could have been test or control, but not assigned to those categories.

Includes: GT, DSP, BE, Burg. Fraud, etc.

⁸ Includes: R.D., A.A., A.B., K.N., etc.

Do your best to fit the crimes into one of these categories. If you can't create another category and specify the crime type.

In each "month"-include all arraignment lists for that month.

MONTH: JUNE, 1981

	CATEGORIES				
	Test	Control	Excluded	Other*	Capias
<u>CRIMES</u>					
Property Crimes	27	30	0	32	4
Crimes Against ⁸ The Person	14	12	0	16	2
All Drug Crimes	17	18	0	19	5
Welfare Fraud/ Bad Checks/Forgery/ Bookmaking	2	0	38	2	0
Trafficking	1	3	0	0	0
Capital Cases	0	0	0	1	0
Conspiracy	0	1	0	0	0
Escape	0	2	0	1	0
Accessory after/Fact	0	0	0	1	0
Prac/Medicine w/o Lic.	0	0	0	1	0

* Other Means: All cases that could have been test or control, but not assigned to those categories.

Includes: GT, DSP, BE, Burg. Fraud, etc.

⁸ Includes: R.D., A.A., A.B., K.N., etc.

Do your best to fit the crimes into one of these categories. If you can't create another category and specify the crime type.

In each "month"-include all arraignment lists for that month.

MONTH: JULY, 1981

	CATEGORIES				
	Test	Control	Excluded	Other*	Capias
CRIMES					
Property Crimes	43	38	0	15	6
Crimes Against ⁸ The Person	28	29	0	2	1
All Drug Crimes	39	35	0	8	1
Welfare Fraud/ Bad Checks	3	2	26	7	0
Trafficking	0	0	0	0	0
Capital Cases	0	0	4	0	0

FTA	0	1	0	0	0
Escape	5	1	0	1	0
Accessory After Fact	1	0	0	0	0
Interception Oral Com.	2	1	0	0	0

* Other Means: All cases that could have been test or control, but not assigned to those categories.

Includes: GT, DSP, BE, Burg. Fraud, etc.

⁸ Includes: R.D., A.A., A.B., K.N., etc.

Do your best to fit the crimes into one of these categories. If you can't create another category and specify the crime type.

In each "month"-include all arraignment lists for that month.

MONTH: AUGUST, 1981

	CATEGORIES				
	Test	Control	Excluded	Other*	Capias
CRIMES					
Property Crimes	42	27	0	16	4
Crimes Against ⁸ The Person	26	14	0	2	2
All Drug Crimes	29	12	0	4	2
Weirare Fraud/ Bad Checks Forgery	1	3	37	2	0
Trafficking	2	3	0	0	0
Capital Cases	0	0	0	0	0
Escape	1	0	0	3	0
FTA	0	2	0	0	0
Intercept. Oral Com.	1	0	0	0	0

* Other Means: All cases that could have been test or control, but not assigned to those categories.

Includes: GT, DSP, BE, Burg. Fraud, etc.

⁸ Includes: R.D., A.A., A.B., K.N., etc.

Do your best to fit the crimes into one of these categories. If you can't create another category and specify the crime type.

In each "month"-include all arraignment lists for that month.

MONTH: SEPTEMBER, 1981

	CATEGORIES				
	Test	Control	Excluded	Other*	Capias
CRIMES					
Property Crimes	65	25	0	21	7
Crimes Against ⁸ The Person	35	8	0	2	2
All Drug Crimes	25	6	0	8	0
Welfare Fraud/ Bad Checks Fraud. Use Cr. Card Forgery	6	2	0	39	0
Trafficking	4	1	0	2	0
Capital Cases	0	0	0	0	0
Conspiracy	1	0	0	0	
Escape	2	0	0	0	0

* Other Means: All cases that could have been test or control, but not assigned to those categories.

Includes: GT, DSP, BE, Burg. Fraud, etc.

⁸ Includes: R.D., A.A., A.B., K.N., etc.

Do your best to fit the crimes into one of these categories. If you can't create another category and specify the crime type.

In each "month"-Include all arraignment lists for that month.

MONTH: OCTOBER, 1981

	CATEGORIES				
	Test	Control	Excluded	Other*	Capias
<u>CRIMES</u>					
Property Crimes	62	29	0	20	4
Crimes Against ⁸ The Person	29	16	0	10	1
All Drug Crimes	40	15	0	18	0
Welfare Fraud/ Bad Checks/ Forgery Ins. Fraud/Usury Defraud. Innkeeper	3	1	33	7	0
Trafficking Racketeering	2 1	0	0	3	0
Capital Cases	0	0	0	0	0
Illegal Com. Intercept	0	0	0	1	0
FTA	0	1	0	0	0
Access. After Fact	1	0	0	0	0

* Other Means: All cases that could have been test or control, but not assigned to those categories.

Includes: GT, DSP, BE, Burg. Fraud, etc.

⁸ Includes: R.D., A.A., A.B., K.N., etc.

Do your best to fit the crimes into one of these categories. If you can't create another category and specify the crime type.

In each "month"-Include all arraignment lists for that month.

MONTH: NOVEMBER 13 and 6, 1981

	CATEGORIES				
	Test	Control	Excluded	Other*	Capias
CRIMES					
Property Crimes	9	5	0	75	1
Crimes Against ⁸ the Person	5	6	1	30	1
All Drug Crimes	0	0	0	38	1
Unlawful Fraud/ Bad Checks Forgery Ins. Fraud	0	1	12	4	0
Trafficking	0	0	0	2	0
Escape	0	0	0	1	0
Capital Cases	0	0	0	0	0
Tampering with Witness	0	0	0	1	0
Bribery	0	0	0	1	0
Illegal Com. Intercept	0	0	0	1	0

* Other Means: All cases that could have been test or control, but not assigned to those categories.

Includes: GT, DSP, BE, Burg. Fraud, etc.

⁸ Includes: R.D., A.A., A.B., K.N., etc.

Do your best to fit the crimes into one of these categories. If you can't create another category and specify the crime type.

In each "month"-include all arraignment lists for that month.

LIST OF ILLUSTRATIONS AND TABLES

To Include:

Pre-Trial Conference Selection Totals

Pre-Trial Control Selection Totals

1980 Trial Dispositions

1981 Trial Dispositions

Case Flow Charts

Pre-Trial Conference Procedures

Publicity

PRETRIAL CONFERENCE SELECTION TOTALS

Conference Date	Conferences Offered	Conferences Held	Settlement Reached *	Settlement Not Reached	Trials	Conferences To Date
1/9/81	11	3	3	0		3
1/16/81	13	6	6	0		9
1/23/81	10	7	7	0		16
1/30/81	18	11	6	5	2 N/G	27
2/6/81	15	9	6	3		36
2/13/81	26	16	16	0		52
2/20/81	23	18	17	1	1 G	70
2/27/81	34	24	21	3	1 N/G	94
3/6/81	31	21	18	3	1 G/Les.	115
3/13/81	30	20	18	2		135
3/20/81	30	13	11	2		148
3/27/81	37	14	11	3	1 G	162
4/3/81	23	14	13	1		176
4/10/81	25	14	12	2		190
4/24/81	25	13	9	4	2 (N/G; G)	203
5/1/81	23	12	7	5		215
5/8/81	14	11	9	2		226
5/15/81	25	13	11	2	1 G	239
5/22/81	17	10	8	2	1 G	249
5/29/81	18	8	6	2	1 N/G	257
6/5/81	21	10	9	1		267
6/12/81	27	13	12	1		280
6/26/81	20	16	15	1		296
7/10/81	13	6	5	1	1 G/Les.	302
7/17/81	26	13	9	4		315
7/24/81	20	12	11	1		327
7/31/81	21	12	12	0		339
8/7/81	14	7	4	3	1 G	346
8/14/81	22	10	8	2		356
8/21/81	29	12	7	5	1 G	368
8/28/81	19	12	9	3		380
9/4/81	20	11	8	3		391
9/11/81	4	3	3	0		394
9/18/81	27	9	5	4		403
9/25/81	35	13	8	5		416
10/2/81	44	26	12	14		442
10/9/81	36	17	10	7		459
10/16/81	38	15	12	3	1 N/G	474
10/23/81	36	18	9	9	3 (1N/G; 2 G)	492
10/30/81	25	15	12	3		507
11/6/81	18	7	6	1	1 G/Les.	514
11/13/81	16	6	4	2		520
11/20/81	27	13	12	1		533
12/4/81	47	22	17	5	1 G	555
12/11/81	17	11	4	7	1 N/G	566
12/18/81	12	4	3	1		570
	1082	570	441	129	21	
		(53%)	(77%)	(22%)	(4%)	
TOTALS					8 N/G	
& %					10 G	
					3 G/Les.	

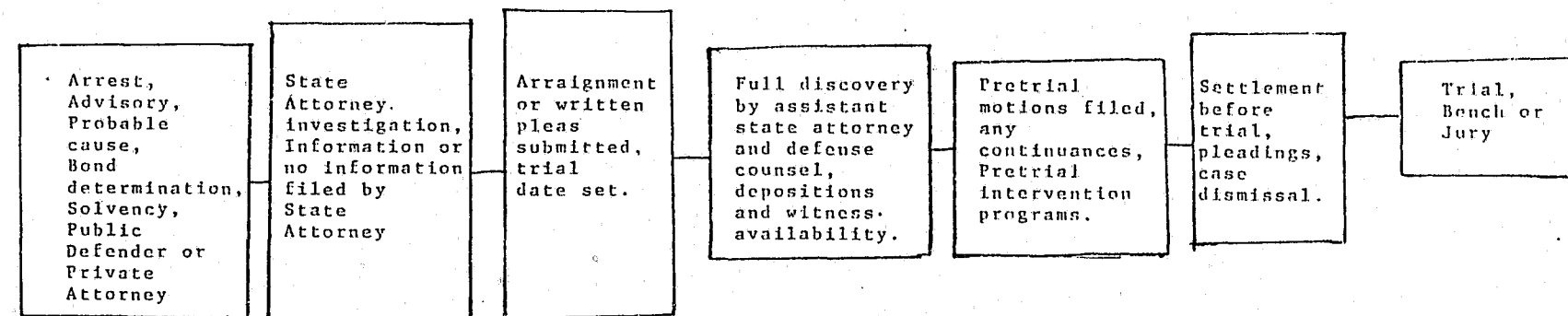
810 Control Selections

TRIAL DISPOSITIONS - 1980

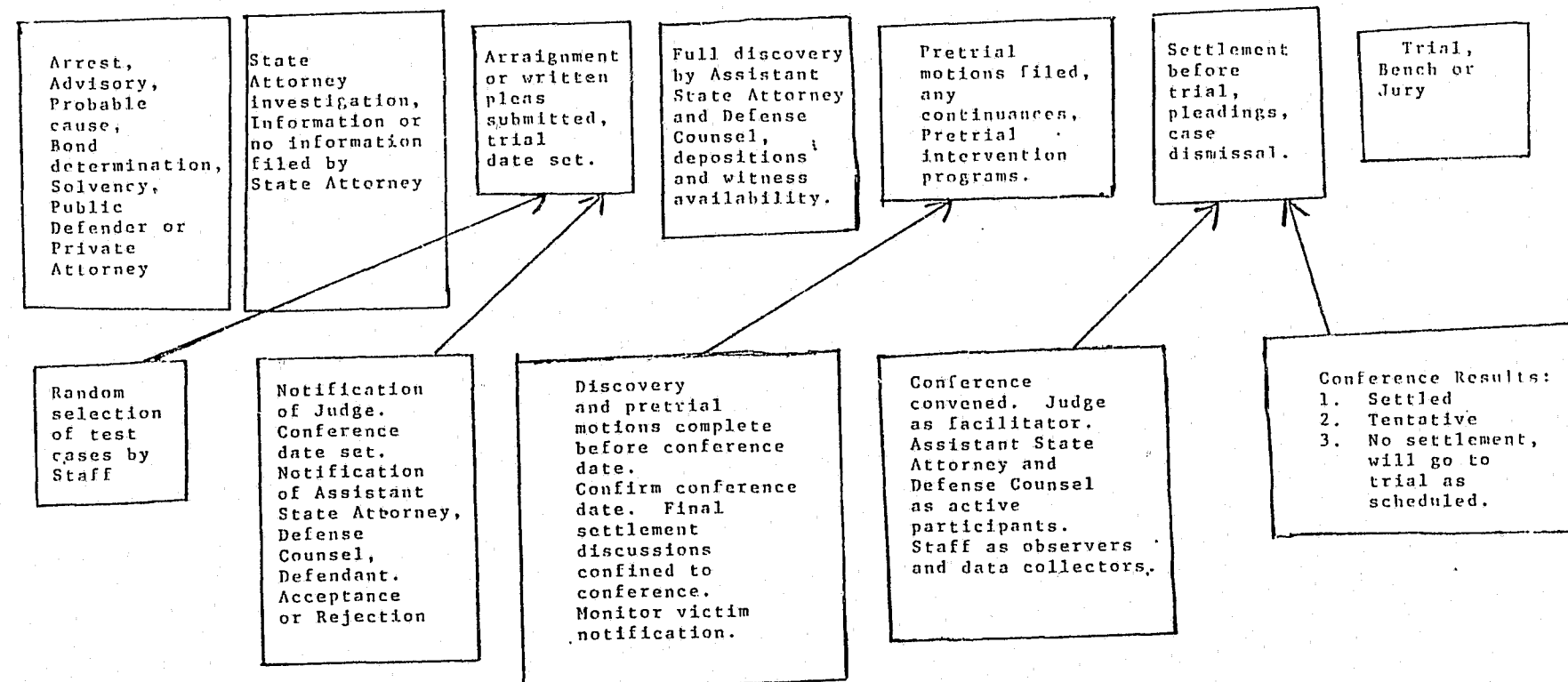
TOTAL TRIALS	100
JURY	91
NON-JURY	9
GUILTY	50
NOT GUILTY	38
GUILTY OF LESSER	9
MISTRIAL	3

TRIAL DISPOSITIONS - 1981
January through October

TOTAL TRIALS	119
JURY	115
NON-JURY	4
GUILTY	61
NOT GUILTY	31
GUILTY OF LESSER	22
MISTRIAL	5



NORMAL FELONY CASE FLOW CHART



NORMAL FELONY CASE FLOW CHART WITH PRETRIAL CONFERENCE

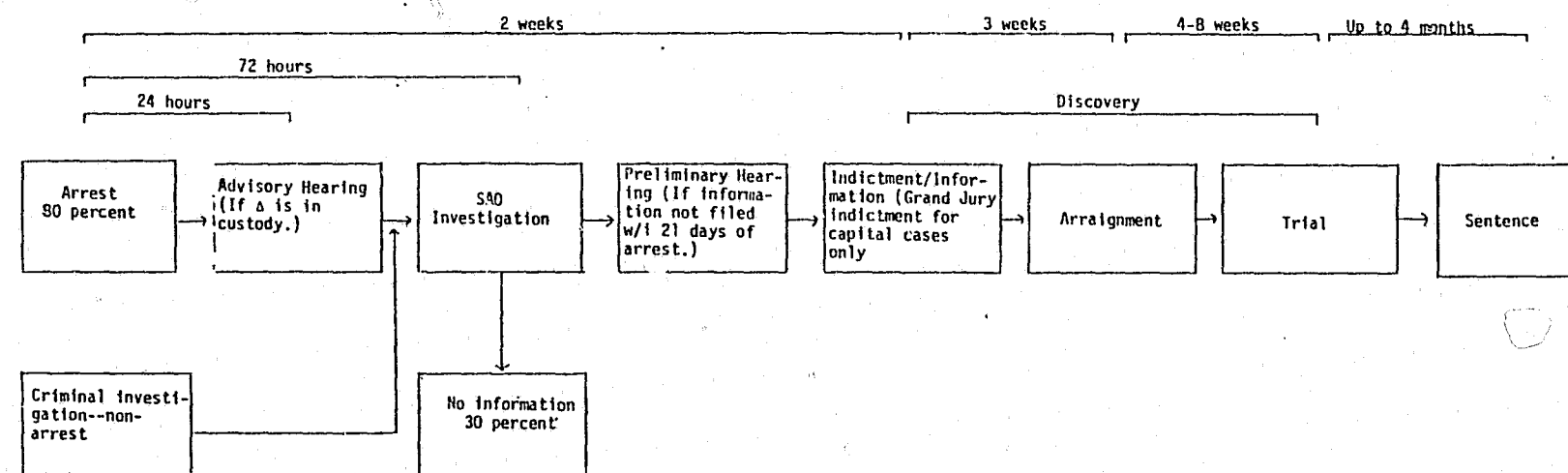
<u>ARRAIGNMENT</u>	<u>WEEK ONE</u>	<u>WEEK TWO & THREE</u>	<u>WEEK FOUR</u>	<u>WEEK FIVE & SIX</u>	<u>WEEK SEVEN</u>
*Case selected	*discovery begins	*Discovery continues	*Check with Defense to determine if there are any problems	*Conference held in Judge's chambers	*If no settlement then trial will proceed as scheduled
*Conference date selected	*Defense decides on inclusion in program	*Monitor case from this point on, ie. motions, etc. on computer	*Notify victim if SAO has not done so	*Pleas heard and sentenced that morning	*No settlement discussions after conference has adjourned unless there are significant intervening events
*Notice by Court Order to State Attorney Office and Defense Attorney (private or public def.)	*Determine if Defendant is incarcerated or out on bail		*Copies of police report and rap sheet by SAO	*SAO should have notified victim. If not, program staff notifies	
				*Conferences will be held at least eight (8) days before trial date	

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ALL FINAL PLEA DISCUSSIONS MUST AWAIT CONFERENCE DATE.

ANY PROBLEMS OR CANCELLATIONS MUST BE RELAYED TO THE PROGRAM STAFF OF THE PRETRIAL SETTLEMENT PROJECT FIVE (5) WORKING DAYS BEFORE SCHEDULED CONFERENCE.

PINELLAS COUNTY, FLORIDA
CASE FLOW CHART



PRETRIAL CONFERENCE

PROCEDURES

PINELLAS COUNTY CIRCUIT

COURT-PRETRIAL SETTLEMENT PROJECT

October 16, 1980

PINELLAS COUNTY CIRCUIT COURT - CRIMINAL DIVISION

CLEARWATER, FLORIDA

There are two judges assigned to the criminal division of Pinellas County Circuit Court in Clearwater. They are: the trial judges with one appointed the Chief Criminal Administrative Judge every six months. They change every six months when they rotate according to the decisions of the Chief Judge of the Circuit.

The criminal court calendar is divided into an A and B calendar, one for each judge, and they alternate calendars according to an even-odd day of the month. For example, the Chief Administrative Judge would take the A trial calendar on the odd numbered days of the month and the B calendar on the even days of the month. The other criminal judge would have the same schedule only reversed, taking the A calendar on even days and B calendar on odd numbered days. On Fridays, trials are set only if they are definitely going to plead, with the A calendar, after pleas are taken, to hear motions and arraignments and the B calendar for violation of probation hearings.

The trial dates are generally assigned at a written plea session on Thursday morning, at which time the criminal administrator and representatives from the Public Defender's and State Attorney's office are present. Defendants who do not submit written pleas through their attorney are required to show up for the arraignment the following Friday morning. At the written plea session, the judge and criminal administrator (in charge of calendaring the

PINELLAS COUNTY CIRCUIT COURT - CRIMINAL
CLEARWATER, FLORIDA.

criminal section) set the dates with requested dates considered from the State Attorney and Public Defender's office.

Trials are, on the average, set about six weeks from the arraignment date. Trials for those in custody at the time of arraignment or written pleas are generally set before those that are released on bond or through the ROR program.

Once a trial date is set either at written pleas or arraignment, all subsequent, relevant proceedings to trials are scheduled by the criminal administrator. This would include all motion hearings, sentencings after PSI's and all change of pleas which the criminal administrator is in charge of recording.

The trial calendars are called every day at 8:30 a.m. except on Fridays, which are generally left open. Motions to suppress are done the morning of trial, as well as change of pleas.

The motion calendar is called every afternoon at 1:15 p.m., at which time the judge hears all motions for upcoming trials.

At 8:30 a.m. on Friday the arraignment calendar is called for those who did not submit a written plea the previous day.

When the trial calendar is called at 8:30, or the motion calendar at 1:15, sentencings can be done at this time, either because of a change of plea or because the criminal administrator has scheduled them at this time.

The basic sequence is explained as follows:

1. 8:30 (Monday thru Thursday) - Both (A) and (B) trial calendars are called.

2. 1:15 (Monday thru Friday) - Motion calendar called, alternates on even-odd days.

PINELLAS COUNTY CIRCUIT COURT - CRIMINAL
CLEARWATER, FLORIDA

3. Thursday (10:00 approximately) - Written plea session held in office of criminal administrative judge.
4. Friday (8:30) - Calendar (A) - Motions and arraignments. Calendar (B) - Violation of probation hearings, set up again on an even-odd day basis.

Trials are set for Fridays only if the judges and attorneys know there will be a plea entered.

PRETRIAL CONFERENCE

A BASIC FRAMEWORK

I. PRE-CONFERENCE

- A. Random selection of test cases
- B. Notification of Judge of inclusion as test case
- C. Program notification of the following:
 - 1. State Attorney's office
 - 2. Defense Counsel
 - 3. Defendant (must approve participation)
- D. Judge sets tentative date for conference (Wednesday morning 9:00 a.m. - 12:00 a.m.)
 - 1. Cancellation five (5) working days notice
 - 2. Prosecutor notifies victim
- E. Pretrial motions filed before conference
- F. Discovery completed before conference
- G. Final settlement discussion should be confined to conference
- H. If multiple charges are pending at the time of selection, efforts will be made to consolidate them for discussion at conference

II. CONFERENCE

- A. Informal, consummated in Judge's chambers
- B. Scheduled eight (8) days before trial date, if possible
- C. Judge as facilitator, moderator
- D. Defense Attorney and Assistant State Attorney are active participants
 - 1. Both have power to make binding agreements
- E. Victim, Police as limited participants
- F. Staff as observers only
- G. Written record will be kept listing the following:
 - 1. Participants

PRETRIAL CONFERENCE
A BASIC FRAMEWORK

2. Final disposition
3. Terms of agreement
4. Any other salient facts

III. POST-CONFERENCE

- A. Written notification of Defendant's decision to all parties if conference is adjourned and not reconvened
- B. Plea negotiations prohibited after conference unless there are significant intervening events
- C. Trial date will be retained if no conference agreement is reached
- D. Victim will be notified of results whether they attended conference or not
- E. Defendant's plea should be immediately entered when agreement is reached

RANDOM SELECTION OF TEST AND CONTROL CASES

The process of arraignment and the setting of trial dates is handled at a written plea session on Thursday mornings in the office of the Criminal Administrative Judge. Any cases in which no written plea is submitted is arraigned and has a trial date set on Friday mornings arraignment calendar. From these assignments we make our selections as to whether a case will be test or control. All the cases on the judges calendars are eligible for selection, with the exclusion of capital, bad check, and welfare fraud cases. We break the remaining eligibles into five crime type categories, including burglary, drug, robbery, aggravated assault or battery, and a catch-all category. In all of the crime types we are now selecting every case to be either a test or a control, the determination made by the calendar they are on. On the average, there are 40 to 60 cases per week that are selected and then placed into their respective categories, test or control, and then according to the crime type. Frequently it will take a number of Thursday written plea sessions to fill a particular weeks calendar. Cases selected are generally set for trial 6 to 8 weeks later. If we wished to select cases for a January 9th conference, for example, we would pick cases set for trial the nineteenth through the 22nd of January, with those dates coming from arraignment calendars in October or November. Through this method we hope to have 12 to 15 conferences per week, therefore providing more than the minimum of 400 conferences for the program to study.

CIRCUIT CRIMINAL SET-UP

The daily process of circuit criminal trials and calendaring had involved basically two judges and two daily calendars. One of the judges being designated the Criminal Administrator in charge of criminal calendaring. The two calendars, A and B, were rotated daily on an even-odd designation basis. In other words, the Criminal Administrative Judge handled the A calendar on odd days of the month, the B calendar on even days of the month and the other judge had exactly the opposite. There was a C calendar, but that was only for career criminal cases and was considered an addendum to the B calendar. Each judge called his own trial calendar each morning, as well as hearing any change of plea or doing any sentencings that were needed.

The new system uses the same A & B method of calendaring the cases, but the calling of trial calendars is quite different. Each morning, instead of each judge calling his trial calendar for that day, the A courtroom judge for that day calls all the cases on both the A and B calendar. He also hears any change of pleas for that particular morning. If a case called is ready for trial, he then sends it to the judge in courtroom B, who has been doing sentencings until that time.

C calendar is thrown in with A & B calendar as well. Additionally, one week out of the month there is another criminal judge, and another calendar, the D calendar which is called in the A courtroom along with the others. The practical difference from the previous way is that even though cases are set on each judges respective calendars beforehand, they are not necessarily tried by the same judge when the trial comes to pass. Also, only one judge calls the trial calendars each day while the other waits for the first case to go to trial.

ROLE OF GENERAL STAFF

I. PRE-CONFERENCE

- A. Random case selection
- B. Cases excluded from test (capital crimes, bad checks, welfare fraud)
- C. Court Order notifying Prosecutor, Defense Counsel and Defendant
- D. Cancellation five (5) days notice
- E. Prosecutor notifies victim by letter
- F. Staff verification of victim notification
- G. Pretrial motions filed before conference
- H. Discovery completed before conference
- I. No final plea negotiations outside of conference
- J. No judicial involvement/contact re: plea prior to conference
- K. If Defendant in custody, Prosecutor will arrange attendance
- L. If Defendant in release status, Defense Counsel will arrange attendance
- M. If multiple charges are pending at the time of selection, efforts will be made to consolidate them for discussion at conference

II. CONFERENCE

- A. Candidate conference topics:
 - 1. Facts of case
 - 2. Defendant's prior record
 - 3. Defendant's personal/social/family information
 - 4. Crime impact of victim (or society)
 - 5. Social services/treatment received by Defendant
 - 6. Currently available programs
 - 7. Defendant's cooperation with law enforcement

ROLE OF GENERAL STAFF

8. Statutory sentencing requirements (mandatory, allowable ranges)
 9. Reduction in number of charges
 10. Reduction in severity of charges
 11. Previous trial dispositions in similar cases
- B. Predictions as to outcome at trial:
1. Possibility of damaging evidence - more severe sentence
 2. Possibility of mitigating evidence - less severe sentence
 3. Possibility of no difference in sentence
 4. Possibility of maximum sentence
 5. Possibility of acquittal
- C. Formal written record shall be permitted consisting of list of participants, final disposition, terms of agreement, and other information agreed to by parties and Judge
- D. Conference should not be in open court to assure openness and candor among all parties

III. POST-CONFERENCE

- A. Procedure for written notification of Defendant's decision to all parties if conference is adjourned and not reconvened. (letter)
- B. Plea negotiations prohibited after the conference unless there are significant intervening events
- C. Defendant's plea should be immediately entered when agreement is reached
- D. Victim shall be notified of result whether attended conference or not. (letter)
- E. Trial date should not be postponed if no conference agreement is reached

ROLE OF JUDGE

I. CONFERENCE

- A. State conference purpose
- B. Advise Defendant of rights:
 1. Participation is not admission of guilt
 2. Need not make statement
 3. Conference statement is inadmissible at trial
 4. May terminate conference at any time
- C. Judge functions as facilitator, moderator
- D. May provide information on likely sentences if guilty plea is entered
 1. Possibility of damaging evidence - more severe sentence
 2. Possibility of mitigating evidence - less severe sentence
 3. Possibility of no difference in sentence
 4. Possibility of maximum sentence
 5. Possibility of acquittal
- E. Will keep pretrial discovery within proper limits
- F. Avoid appearance of coercion
- G. Avoid offering his version of agreement
- H. Decides to adjourn conference and either to reconvene or to allow written notification of Defendant's decision to parties
- I. Candidate conference topics:
 1. Facts of case
 2. Defendant's prior record
 3. Defendant's personal/social/family information
 4. Crime impact on victim (or society)

ROLE OF JUDGE

5. Social services/treatment received by Defendant
 6. Currently available programs
 7. Defendant's cooperation with law enforcement
 8. Statutory sentencing requirements (mandatory, allowable ranges)
 9. Reduction in number of charges
 10. Reduction in severity of charges
 11. Previous trial dispositions in similar cases
- J. No final settlement actions taken outside of conference
- K. No judicial involvement/contact re: plea prior to conference
- L. Plea negotiations prohibited after the conference unless there are significant intervening events
- M. Trial date should not be postponed if no conference agreement is reached
- N. Role of Defendant:
1. Role at conference subject to Defendant's wishes and Defense Attorney's assessment of utility and impact
 2. Is entitled to Defense Counsel's direct involvement in all matters
 3. Is present for his own knowledge and opportunity to make Judge and others aware of his individual circumstances and needs
 4. Approves any agreement offered and may terminate conference
- O. Role of Victim:
1. May attend at own option
 2. May offer information and opinions
 3. May not dictate outcome or veto same
 4. May meet separately with parties, except Defendant, in cases where separation is warranted, as in issues of identification
 5. Police may attend at own option in cases of victimless crime, without authority to dictate or veto outcome

ROLE OF THE PROSECUTOR

I. PRE-CONFERENCE

- A. Previously decided range of options re: charge and sentence negotiating
- B. Can bind State to agreement - has authority to negotiate settlement
- C. Final agreement may be subject to Chief Prosecutor's approval
- D. Realistic assessment of witness' availability at trial
- E. May not discuss case with Defendant in absence of Defense Counsel
- F. Notification of Victim
 1. Standardized notification procedure
 2. Notification five (5) full working days prior to scheduled conference
- G. Cancellation five (5) full working days prior to scheduled conference
- H. Pretrial motions filed before conference
- I. Discovery completed before conference (police report and criminal record)
- J. No final settlement actions taken outside of conference
- K. If Defendant is in custody, Prosecutor will arrange for Defendant to be present
- L. If multiple charges are pending at the time of selection, efforts will be made to consolidate them for discussion at conference

II. CONFERENCE

- A. Candidate conference topics:
 1. Facts of case
 2. Defendant's prior record
 3. Defendant's personal/social/family information
 4. Crime impact on victim (or society)

ROLE OF THE PROSECUTOR

5. Social services/treatment recieved by Defendant
 6. Currently available programs
 7. Defendant's cooperation with law enforcement
 8. Statutory sentencing requirements (mandatory, allowable ranges)
 9. Reduction in number of charges
 10. Reduction in severity of charges
 11. Previous trial dispositions in similar cases
 12. Predictions as to outcome at trial:
 - a. possibility of damaging evidence - more severe sentence
 - b. possibility of mitigating evidence - less severe sentence
 - c. possibility of no difference in sentence
 - d. possibility of maximum sentence
 - e. possibility of acquittal
- B. Plea negotiations prohibited after the conference unless there are significant intervening events
- C. Trial date should not be postponed if no conference agreement is reached
- D. Victim shall be notified of result whether attended conference or not
- E. Role of Victim:
1. May attend at own option
 2. May offer information and opinions
 3. May not dictate outcome or veto same
 4. May meet separately with parties, except Defendant, in cases where separation is warranted, as in issues of identification
 5. Police may attend at own option in cases of victimless crime, without authority to dictate or veto outcome
- F. Role of Defendant:
1. Role at conference subject to Defendant's wishes and Defense Attorney's assessment of utility and impact

ROLE OF THE PROSECUTOR

2. Is entitled to Defense Counsel's direct involvement in all matters
3. Is present for his own knowledge and opportunity to make Judge and others aware of his individual circumstances and needs
4. Approves any agreement offered and may terminate conference

ROLE OF DEFENSE COUNSEL

I. PRE-CONFERENCE

- A. Previously investigated case, advised Defendant of options, authorized by Defendant to negotiate
- B. Cancellation five (5) full working days prior to scheduled conference
- C. Pretrial motions filed before conference
- D. Discovery completed before conference
- E. No final settlement actions taken outside of conference
- F. If Defendant in release status, Defense Counsel will arrange attendance
- G. If multiple charges are pending at the time of selection, efforts will be made to consolidate them for discussion at conference.

II. CONFERENCE

- A. May inquire of Judge's probable sentence, if Defendant is convicted after trial
- B. Presents all factors favorable to Defendant and ensures fair treatment at conference
- C. Incorporates any diversion (other) programs suitable to Defendant's situation in his settlement proposal, if appropriate
- D. Advises Defendant of alternatives and his opinion on each
- E. May request Judge to adjourn conference to confer with Defendant
 - 1. Judge should honor such requests and set specific time for Defender to report Defendant's decision
- F. Obtains Defendants approval to any final agreement
- G. Candidate conference topics:
 - 1. Facts of case
 - 2. Defendant's prior record
 - 3. Defendant's personal/social/family information
 - 4. Crime impact on victim (or society)
 - 5. Social services/treatment received by Defendant

CONTINUED

1 OF 2

ROLE OF DEFENSE COUNSEL

6. Currently available programs
7. Defendant's cooperation with law enforcement
8. Statutory sentencing requirements (mandatory, allowable ranges)
9. Reduction in number of charges
10. Reduction in severity of charges
11. Previous trial dispositions in similar cases
12. Predictions as to outcome at trial:
 - a. possibility of damaging evidence - more severe sentence
 - b. possibility of mitigating evidence - less severe sentence
 - c. possibility of no difference in sentence
 - d. possibility of maximum sentence
 - e. possibility of acquittal
- H. Plea negotiations prohibited after the conference unless there are significant intervening events
- I. Defendant's plea should be immediately entered when agreement is reached
- J. Trial date should not be postponed if no conference agreement is reached
- K. Role of Defendant:
 1. Role at conference subject to Defendant's wishes and Defense Attorney's assessment of utility and impact
 2. Is entitled to Defense Counsel's direct involvement in all matters
 3. Is present for his own knowledge and opportunity to make Judge and others aware of his individual circumstances
 4. Approves any agreement offered and may terminate conference
- L. Role of Victim:
 1. May attend at own option
 2. May offer information and opinions

ROLE OF DEFENSE COUNSEL

3. May not dictate outcome or veto same
4. May meet separately with parties, except Defendant, in cases where separation is warranted, as in issues of identification
5. Police may attend at own option in cases of victimless crime, without authority to dictate or veto outcome

NOTICE TO DEFENDANTS REGARDING PRETRIAL CONFERENCE

You are being offered a chance to participate in a study of a part of the criminal justice system in Pinellas County. This study of pretrial conferences is being done to aid in the prompt and orderly consideration of the settlement of criminal cases before trial. This conference will provide you with an opportunity to participate in the discussion of a possible settlement of your case. All final discussions of a possible settlement will take place in a conference presided over by a Judge. The fact that you participated in the conference or made any particular statement at the conference may not be used in a later trial if a settlement is not reached.

The victim, if there is one in your case, will be invited to attend. They are not required to attend and they will not be able to prevent an agreement which has been reached by you, your Defense Attorney, and the Assistant State Attorney, with the approval of the Judge. If no agreement is reached, the case will go to trial as scheduled. Additional information about the pretrial conference is provided in the attached question and answer sheet. We hope that you will avail yourself of the opportunity to participate in the pretrial conference.

PHILIP A. FEDERICO - CIRCUIT JUDGE

DEFENDANT'S QUESTION AND ANSWER SHEET

1. How was my case chosen for the project?

A random selection was made by the research staff of the project for inclusion in the pretrial conference procedure. These cases will be compared with others to determine, among other factors, whether the conference aides the Defendant and the Victim in understanding the process and the disposition.

2. Can statements made at the conference be used at a subsequent trial if settlement is not reached?

No. Any statements made at the conference can not be introduced at a subsequent trial.

3. What is the purpose of the conference?

There are several purposes. These include making settlement discussions more open, providing the Defendant and Victim an opportunity to attend, and aiding in a more orderly consideration of the possibilities of a pretrial settlement of the case.

4. Who will run the conference?

The conference will be presided over by the Judge to whose calendar the case is assigned. The other parties in attendance will be given an opportunity to join in the discussion of any proposed settlement.

5. What happens if a settlement is not reached?

If a settlement is not reached, the case will go to trial as scheduled.

CIRCUIT COURT, PINELLAS COUNTY, FLORIDA
CRIMINAL DIVISION

CASE NO. _____

State of Florida

vs.

CHARGE _____

TRIAL DATE _____

NOTICE OF PRETRIAL CONFERENCE

TO:

YOU ARE HEREBY notified that a Pretrial Conference will be held for the above-styled case on _____ at _____, before the Honorable Philip A. Federico, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida. At this conference, the disposition of the case will be discussed with the Assistant State Attorney assigned to the case as well as the defendant and counsel. This conference will deal strictly with the possible disposition of the case, and all pertinent facts thereof. The program staff of the Pretrial Conference must be notified as to your client's intentions regarding participation in the conference within one week, either by returning the attached sheet or by phoning us at 448-3866 or 448-3867. Any problems or cancellations must be brought to the attention of the program staff five (5) working days prior to the conference. All final plea negotiations pertinent to this case will occur at this conference, and if no disposition is reached, the trial will commence as scheduled. If a disposition is agreed upon, change of plea and sentencing will be done immediately after the conference.

DONE AND ORDERED in Chambers at Clearwater, Pinellas County, Florida, this _____ day of _____, 19____.

Philip A. Federico
CIRCUIT JUDGE

PRETRIAL CONFERENCE PROJECT
324 So. Ft. Harrison Ave., Room 10
Clearwater, Florida 33516

448-3866
448-3867

Scheduled Conference Date _____

Please check the appropriate box below and return this form or call us at the above number within one week. Your prompt response will greatly aid the program staff in our organization of the conference.

We will participate

☐

We will not participate

☐

Signature

PRETRIAL CONFERENCE PROJECT
324 So. Ft. Harrison Ave., Room 10
Clearwater, Florida 33516

448-3866
448-3867

Scheduled Conference Date _____

Please check the appropriate box below and return this form or call us at the above number within one week. Your prompt response will greatly aid the program staff in our organization of the conference.

We will participate

☐

We will not participate

☐

Signature

JAMES T. RUSSELL
STATE ATTORNEY



COURT HOUSE
CLEARWATER, FLORIDA
33516

TELEPHONE 448-2221

OFFICE OF
STATE ATTORNEY

SIXTH JUDICIAL CIRCUIT OF FLORIDA
IN AND FOR PINELLAS AND PASCO COUNTIES

IN REPLYING
PLEASE REFER TO:

This letter is to advise you that in the case of _____
_____, charged with _____
_____, there will be a Pretrial Conference held on _____
_____, 19____, at _____, in the Pinellas County
Courthouse, 315 Court Street, Clearwater, Florida. This conference
will be an informal discussion of the case in the presiding Judge's
chambers, and your input into the case might prove invaluable to the
Judge and attorneys involved. There is the possibility that the
Defendant may plead guilty at this conference, and if so, sentencing
could possibly be done right after the conference. You are encouraged
to attend as a means of expressing your viewpoint on the case, espe-
cially if the Defendant decides to plead guilty and is sentenced.

Any questions you may have concerning your involvement in this
conference can be directed to Assistant State Attorney _____
_____ at (813) 448-2221.

If you plan to attend the conference, please report fifteen minutes
prior to the scheduled conference time to the front desk of the State
Attorney's Office, Room 416, 315 Court Street, Clearwater, Florida for
further instructions. Please bring this letter with you so our office
will know which case you are interested in.

JAMES T. RUSSELL, State Attorney
Sixth Judicial Circuit of Florida

BY _____
Assistant State Attorney

INIRACONFERENCE DATA COLLECTION FORM

1. Case no. 1 2 3 4 5 6 7 8 9 10
2. Conference no. 11 12 13 14 15
3. Coder's initials 16 17

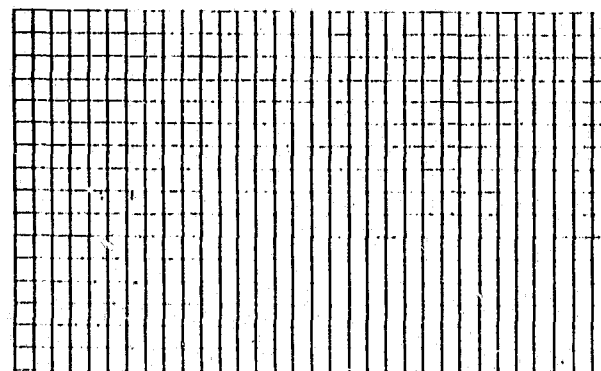
4. Date of conference (MM DD YY) 18 19 20 21 22 23

5. Location of conference 24
1 - Judge's chambers or office
2 - Conference room
3 - Courtroom
8 - Other, specify: _____

6. Diagram of seating arrangement:
Draw in basic room furnishings, e.g., table, desks.
Place each of the participants on the diagram using the
codes indicated for each. No need to draw this.

- (J) Judge
(A) Defense attorney
(D) Defendant
(V) Victim
(P) Prosecutor
(C) Police
(O) Others, specify: _____
(O) Others, specify: _____

(J) 25
(A) 26
(D) 27
(V) 28
(P) 29
(C) 30
(O) 31
(O) 32
TO BE CODED BY INSLAW



7. List participants by name. For each category (a-g) code either
1 - Present during all of conference
2 - Present during part of conference
3 - Available, but not present (e.g., in next room)
8 - Not present

- (a) Judge _____ 33
(b) Defense attorney _____ 34
(c) Defendant _____ 35
(d) Victim(s) _____ 36
(e) Prosecutor _____ 37
(f) Police _____ 38
(g) Others (specify title(s)) _____ 39

8. Code clothing of each participant to closest category.
Code 8, if person listed was not present.

1. Judicial robes Judge 40
2. Formal business (traditional business suit and tie for men, matching suit in colors seasonally appropriate for men and women) Defense attorney 41
Defendant 42
Victim 43
Prosecutor 44
Police 45
Other (specify) 46
Other (specify) 47
3. Informal business (somewhat less business like than category 1, e.g., sports jackets, tie without a jacket or suit, suit without tie for men, dress with jacket)
4. Casual (leisure clothes, not jeans)
5. Very casual (jeans, running clothes)
6. Work (laborer or service uniform)
7. Penal (jail clothing)
8. Individual was not present



1. Was full agreement reached at the conference: 48
1 - Yes
2 - No (if no, skip to question 3)

2. Negotiated settlement result: Describe exactly what was agreed to. Include any charge, count, sentence or condition information.

49 50 CH
51 52 CO
53 54 ST
55 56 CON

TO BE CODED BY INSLAW

Skip to 6, if full agreement was reached (yes, on question 1).

3. Was partial agreement reached? 57
1 - Yes
2 - No

4. Describe partial agreement or reason for lack of any agreement, if no partial agreement.

58 59
60 61
62 63
64 65

TO BE CODED BY INSLAW

5. Which of the following reasons account for the lack of full or any agreement (fill in as many as apply to case)
1 - Yes, a reason
2 - No, a reason

- (a) Lack of time to complete negotiations 66
- (b) Discovery process incomplete 67
- (c) Prosecutor wanted to go to trial 68
- (d) Defendant wanted to go to trial 69
- (e) Evaluation of defendant ordered (includes PSI) 70
- (f) Other charges pending 71
- (g) Absence of critical person(s) specify: 72

(h) Request to discuss settlement conditions further with defendant 73

(i) Other, specify:

6. Did any of the following events occur? Code only if defendant was present.
1 - Yes
2 - No

- (a) Mention that a greater sentence would probably be given at trial 75
- (b) Mention of a greater delay in the case if not settled 76
- (c) Reminding defendant of criminal history 77
- (d) Emphasis on how serious a crime defendant committed 78
- (e) Mentioning expense of trial and inconvenience to court or society if case goes to trial 79
- (f) Judge, defense attorney or prosecutor showed great deal of anger with defendant or defendant's crime 80
- (g) Defendant advised that he/she could be helped with the sentence, e.g., settlement is for defendant's "own good" 81
- (h) No opportunity is allowed for defendant to indicate agreement or disagreement to judge or defense attorney 82

7. Did anything (other than those events listed in item 6) happen in the conference to suggest pressure was being placed on the defendant to agree to the settlement?
If so, describe _____

83 TO BE CODED BY INSLAW

8. Among the participants in the conference, who do you think had the most influence on the conference process and the outcome of the case?

- | | | | |
|---------------------|--------------------|---------|----|
| (1) judge | (4) defendant | Process | 84 |
| (2) prosecutor | (5) victim | Outcome | 85 |
| (3) defense counsel | (6) police officer | | |

9. Was more than one case against this defendant consolidated and discussed in this conference? 86
1 = Yes 2 = No

10. Any impressionistic comments by coder about conference.

87 TO BE CODED BY INSLAW

Final 12/23/80

INTERCONFERENCE CODING FORM

Content Categories

10 Def. Codes
11 Def. age
12 Crim. his.
13 Fam. Sta
14 Wrk Sta.
15 Inform.
16 Bail
17 Remorse
18 Prob's
1A. psy.
1B. drg.
1C. finan.
1D. fam.
1E. phys.

20 Off. Codes
21 Facts
22 Role
23 Weap.
24 Acq/Stran.
25 Resp. Arrest
26 Def. inj.
27 Prop. Dam.
28 Vic. Inj.
29 Premed.

30 V. Codes
31 Crim. his.
32 Fam. Sta.
33 Wrk. Sta.
34 Prob's
3A. Psy.
3B. Drg.
3C. Finan.
3D. Fam.
3E. Phys.

40 Barg. Codes
41 G Sent. rec.
42 S Sent. rec.
43 Chg. rec.
44 Prec.
45 Cond's
46 Conv.
47 Sent agree?
48 Chg. agree?
49 Add. info.

50 Legal Proc.
51 Rights
52 L. Prec.
53 Evid.
54 Co-def.
55 Concur.
60 Admin. Code
99 Idle Chat
00 Silence

Case no. 1 2 3 4 5 6 7 8 9 10

Conference no. 11 12 13 14 15

Date M H D Y Y
16 17 18 19 20 21

Form no. 22 for this case

Coder initials 23 24

Start Time		FROM	TO	STYLE	CONTENT		FROM	TO	STYLE	CONTENT
Minutes	Seconds									
0	0									
1	1 0	JADVPCO	JADVPCOE	7C	---		22	4 0	JADVPCO	JADVPCOE 7C
2	2 0	JADVPCO	JADVPCOE	7C	---		23	5 0	JADVPCO	JADVPCOE 7C
3	3 0	JADVPCO	JADVPCOE	7C	---		24	4 0 0	JADVPCO	JADVPCOE 7C
4	4 0	JADVPCO	JADVPCOE	7C	---		25	1 0	JADVPCO	JADVPCOE 7C
5	5 0	JADVPCO	JADVPCOE	7C	---		26	2 0	JADVPCO	JADVPCOE 7C
6	1 0 0	JADVPCO	JADVPCOE	7C	---		27	3 0	JADVPCO	JADVPCOE 7C
7	1 0	JADVPCO	JADVPCOE	7C	---		28	4 0	JADVPCO	JADVPCOE 7C
8	2 0	JADVPCO	JADVPCOE	7C	---		29	5 0	JADVPCO	JADVPCOE 7C
9	3 0	JADVPCO	JADVPCOE	7C	---		30	5 0 0	JADVPCO	JADVPCOE 7C
10	4 0	JADVPCO	JADVPCOE	7C	---		31	1 0	JADVPCO	JADVPCOE 7C
11	5 0	JADVPCO	JADVPCOE	7C	---		32	2 0	JADVPCO	JADVPCOE 7C
12	2 0 0	JADVPCO	JADVPCOE	7C	---		33	3 0	JADVPCO	JADVPCOE 7C
13	1 0	JADVPCO	JADVPCOE	7C	---		34	4 0	JADVPCO	JADVPCOE 7C
14	2 0	JADVPCO	JADVPCOE	7C	---		35	5 0	JADVPCO	JADVPCOE 7C
15	3 0	JADVPCO	JADVPCOE	7C	---		36	6 0 0	JADVPCO	JADVPCOE 7C
16	4 0	JADVPCO	JADVPCOE	7C	---		37	1 0	JADVPCO	JADVPCOE 7C
17	5 0	JADVPCO	JADVPCOE	7C	---		38	2 0	JADVPCO	JADVPCOE 7C
18	3 0 0	JADVPCO	JADVPCOE	7C	---		39	3 0	JADVPCO	JADVPCOE 7C
19	1 0	JADVPCO	JADVPCOE	7C	---		40	4 0	JADVPCO	JADVPCOE 7C
20	2 0	JADVPCO	JADVPCOE	7C	---		41	5 0	JADVPCO	JADVPCOE 7C
21	3 0	JADVPCO	JADVPCOE	7C	---		42	7 0 0	JADVPCO	JADVPCOE 7C

Conv. Categ. s

10 <u>Def. Codes</u>	20 <u>Off. Codes</u>	30 <u>V. Codes</u>	40 <u>Barg. Codes</u>	50 <u>Legal Proc.</u>
11 Def. age	21 Facts	31 Crim. his.	41 G Sent. rec.	51 Rights
12 Crim. his.	22 Role	32 Fam. Sta.	42 S Sent. rec.	52 L. Prec.
13 Fam. Sta	23 Weap.	33 Wrk. Sta.	43 Chg. rec.	53 Evid.
14 Wrk Sta.	24 Acq/Stran.	34 Prob's	44 Prec.	54 Co-def.
15 Inform.	25 Resp. Arrest	3A. Psy.	45 Cond's	55 Concur.
16 Bail	26 Def. Inj.	3B. Drg.	46 Conv.	
17 Remorse	27 Prop. Dam.	3C. Finan.	47 Sent agree?	60 <u>Admin. Code</u>
18 Prob's	28 Vic. Inj.	3D. Fam.	48 Chg. agree?	99 <u>Idle Chat</u>
1A. psy.	29 Premed.	3E. Phys.	49 Add. info.	00 <u>Silence</u>
1B. drg.				
1C. finan.				
1D. fam.				
1E. phys.				

Start Time		FROM	TO	STYLE	CONTENT
Minutes	Seconds				
43	<u>1</u> <u>0</u>	JADVPCO	JADVPCOE	? C	_____
44	<u>2</u> <u>0</u>	JADVPCO	JADVPCOE	? C	_____
45	<u>3</u> <u>0</u>	JADVPCO	JADVPCOE	? C	_____
46	<u>4</u> <u>0</u>	JADVPCO	JADVPCOE	? C	_____
47	<u>5</u> <u>0</u>	JADVPCO	JADVPCOE	? C	_____
48	<u>8</u> <u>0</u> <u>0</u>	JADVPCO	JADVPCOE	? C	_____
49	<u>1</u> <u>0</u>	JADVPCO	JADVPCOE	? C	_____
50	<u>2</u> <u>0</u>	JADVPCO	JADVPCOE	? C	_____
51	<u>3</u> <u>0</u>	JADVPCO	JADVPCOE	? C	_____
52	<u>4</u> <u>0</u>	JADVPCO	JADVPCOE	? C	_____
53	<u>5</u> <u>0</u>	JADVPCO	JADVPCOE	? C	_____
54	<u>9</u> <u>0</u> <u>0</u>	JADVPCO	JADVPCOE	? C	_____
55	<u>1</u> <u>0</u>	JADVPCO	JADVPCOE	? C	_____
56	<u>2</u> <u>0</u>	JADVPCO	JADVPCOE	? C	_____
57	<u>3</u> <u>0</u>	JADVPCO	JADVPCOE	? C	_____
58	<u>4</u> <u>0</u>	JADVPCO	JADVPCOE	? C	_____
59	<u>5</u> <u>0</u>	JADVPCO	JADVPCOE	? C	_____
60	<u>10</u> <u>0</u> <u>0</u>	JADVPCO	JADVPCOE	? C	_____
61	<u>1</u> <u>0</u>	JADVPCO	JADVPCOE	? C	_____
62	<u>2</u> <u>0</u>	JADVPCO	JADVPCOE	? C	_____
63	<u>3</u> <u>0</u>	JADVPCO	JADVPCOE	? C	_____
64	<u>4</u> <u>0</u>	JADVPCO	JADVPCOE	? C	_____

			FROM	TO	STYLE	CONTENT
65	—	5	0	J A D V P C O	J A D V P C O E	7 C
66	—	11	0 0	J A D V P C O	J A D V P C O E	7 C
67	—	1	0	J A D V P C O	J A D V P C O E	7 C
68	—	2	0	J A D V P C O	J A D V P C O E	7 C
69	—	3	0	J A D V P C O	J A D V P C O E	7 C
70	—	4	0	J A D V P C O	J A D V P C O E	7 C
71	—	5	0	J A D V P C O	J A D V P C O E	7 C
72	—	12	0 0	J A D V P C O	J A D V P C O E	7 C
73	—	1	0	J A D V P C O	J A D V P C O E	7 C
74	—	2	0	J A D V P C O	J A D V P C O E	7 C
75	—	3	0	J A D V P C O	J A D V P C O E	7 C
76	—	4	0	J A D V P C O	J A D V P C O E	7 C
77	—	5	0	J A D V P C O	J A D V P C O E	7 C
78	—	13	0 0	J A D V P C O	J A D V P C O E	7 C
79	—	1	0	J A D V P C O	J A D V P C O E	7 C
80	—	2	0	J A D V P C O	J A D V P C O E	7 C
81	—	3	0	J A D V P C O	J A D V P C O E	7 C
82	—	4	0	J A D V P C O	J A D V P C O E	7 C
83	—	5	0	J A D V P C O	J A D V P C O E	7 C
84	—	14	0 0	J A D V P C O	J A D V P C O E	7 C
85	—	1	0	J A D V P C O	J A D V P C O E	7 C
86	—	2	0	J A D V P C O	J A D V P C O E	7 C
87	—	3	0	J A D V P C O	J A D V P C O E	7 C
88	—	4	0	J A D V P C O	J A D V P C O E	7 C
89	—	5	0	J A D V P C O	J A D V P C O E	7 C
90	—	15	0 0	J A D V P C O	J A D V P C O E	7 C

12/31/80

Conference I.D. _____ 4 (1-6)
Case No. _____ (7-16)

PROSECUTOR POST-CONFERENCE SURVEY

1. Was this particular case appropriate or inappropriate for the Structured Plea Negotiation conference?

appropriate 1
inappropriate 2 (17)

IF INAPPROPRIATE: Why was the conference structure inappropriate?
(CIRCLE THE ONE MOST IMPORTANT REASON)

nature of the crime 1
nature of the victim 2
nature of the defendant 3
nature of the evidence 4
nature of the participants 5
other, specify _____ 6 (18)

2. In your view, if this case had gone (or goes) to trial, what would be the chance of conviction? (PLEASE GIVE AN ESTIMATE FOR EACH)

as charged % (19-21)
to a lesser charge % (22-24)

3. Among the participants in the conference, who do you think had the most influence on the conference process? On the outcome of the case? (CIRCLE ONE IN EACH COLUMN)

	On the Process	On the Outcome
Judge	1	1
Prosecutor	2	2
Defense Counsel	3	3
Defendant	4	4
Victim	5	5
Police Officer	6 (25)	6 (26)

4. My assessment of defense counsel's representation was that it was:

excellent 1
adequate 2
inadequate and it hurt the client 3
inadequate, but it did not hurt the client 4 (27)

COMMENTS:

12/31/80

Conference I.D. _____ 3 (1-6)
Case No. _____ (7-16)

JUDGE POST-CONFERENCE SURVEY

1. Was this particular case appropriate or inappropriate for the Structured Plea Negotiation conference?

appropriate 1
inappropriate 2 (17)

IF INAPPROPRIATE: Why was the conference structure inappropriate?
(CIRCLE THE ONE MOST IMPORTANT REASON)

nature of the crime 1
nature of the victim 2
nature of the defendant 3
nature of the evidence 4
nature of the participants 5
other, specify 6 (18)

2. Among the participants in the conference, who do you think had the most influence on the conference process? On the outcome of the case? (CIRCLE ONE IN EACH COLUMN)

	<u>On the Process</u>	<u>On the Outcome</u>
Judge	1	1
Prosecutor	2	2
Defense Counsel	3	3
Defendant	4	4
Victim	5	5
Police Officer	6 (19)	6 (20)

3. How would you rate the prosecutor's and defense counsel's readiness and degree of knowledge about the case? (CIRCLE ONE NUMBER FOR EACH)

	<u>Readiness and Knowledge Were:</u>						
Prosecutor	Excellent	1	2	3	4	Poor	(21)
Defense Counsel	Excellent	1	2	3	4	Poor	(22)

COMMENTS:

12/26/80

Conference No. _____

Case No. _____

DEFENDANT

Mailing Information:

We would like to write to you in a couple of weeks to ask a few questions about your case and the Structured Plea Negotiation conference. We very much appreciate your cooperation in filling out the information below.

YOUR NAME (Please PRINT) : _____

YOUR ADDRESS :

number and street

city state zip

YOUR TELEPHONE:

area code number

Please list the telephone numbers of two persons who know how to reach you in case we cannot contact you:

NAME (Please PRINT) : _____

TELEPHONE :

area code number

NAME (Please PRINT) : _____

TELEPHONE :

area code number

12/30/80

Conference I.D. _____ 1 (1-6)

Case No. _____ (7-16)

DEFENDANT POST-CONFERENCE SURVEY

1. How important do you think it was that you attended the conference? (CIRCLE ONE)

Not at all Important	Somewhat Important	Very Important	
1	2	3	(17)

2. Did the conference result in a settlement? (CIRCLE ONE)

YES 1	NO 2	
		(18)

IF YES: How fair to you think the settlement is? (CIRCLE ONE)

Not at all Fair	Somewhat Fair	Very Fair	
1	2	3	(19)

3. How satisfied are you with the Structured Plea Negotiation Conference procedure? (CIRCLE ONE)

Very Dissatisfied	Somewhat Dissatisfied	Neither Satisfied nor Dissatisfied	Somewhat Satisfied	Very Satisfied	
1	2	3	4	5	(20)

WHY? (Write your comments in this space)

12/30/80

Conference I.D. 21459 2 (1-6)
Case No. _____ (7-16)

VICTIM POST-CONFERENCE SURVEY

1. How important do you think it was that you attended the conference? (CIRCLE ONE)

Not at all
Important

Somewhat
Important

Very
Important

1

2

3

(17)

2. Did the conference result in a settlement? (CIRCLE ONE)

YES
1

NO
2

(18)

IF YES: How fair to you think the settlement is? (CIRCLE ONE)

Not at all
Fair

Somewhat
Fair

Very
Fair

1

2

3

(19)

3. How satisfied are you with the Structured Plea Negotiation Conference procedure? (CIRCLE ONE)

Very
Dissatisfied

Somewhat
Dissatisfied

Neither Satisfied
nor Dissatisfied

Somewhat
Satisfied

Very
Satisfied

1

2

3

4

5

(20)

WHY? (Write your comments in this space)

07/16/81

Conference I.D. _____ e

(1-6)

Case No. _____

(7-16)

POLICE OFFICER POST CONFERENCE SURVEY

1. How important do you think it was that you attended the Structured Plea Negotiation (SPN) Conference? (CIRCLE ONE)

Not At All
Important

Somewhat
Important

Very
Important

1

2

3

(17)

2. Compared to a non-SPN conference case, do you think you had more opportunity to influence the outcome of this case because of the conference procedure?

Yes

No

1

2

(18)

3. Did the conference result in a settlement?

Yes

No

1

2

(19)

IF YES: Compared to a similar non-SPN conference case, is this outcome more or less severe?

(20)

Much less
Severe

Less
Severe

No
Difference

More
Severe

Much more
Severe

1

2

3

4

5

(21)

4. Compared to a non-SPN conference case, did you have to spend more or less court time on this case because it was a Conference case?

Much less
Time

Less
Time

No
Difference

More
Time

Much more
Time

1

2

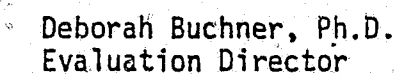
3

4

5

(22)

COMMENTS:



1/6/81

(1-10)

VICTIM QUESTIONNAIRE

INSTRUCTIONS

CONFIDENTIAL MATERIAL--DO NOT WRITE YOUR NAME ON THIS BOOKLET

Read each question carefully. It is important to read the questions in the order in which they appear in the booklet because some of your answers may lead you to skip some of the questions. Instructions about which questions to skip are contained in the boxes. Be sure to read the instructions in each box before you proceed to a new question.

Most questions can be answered by circling the number next to the response that comes closest to the way you feel. In some questions you may circle more than one answer. If so, there will be instructions next to each question.

Example:

Are you reading these instructions?

no 1
yes 2 (12)

(Ignore the number in parentheses: this is for office use only.)

For most questions, it is necessary to write your answer in the blanks provided.

Example:

How many days are there in a week? _ 7 _ days (13-15)

Other questions give you a scale from which to choose your answer. For these questions, circle the number on the scale that indicates your agreement with the statement provided.

Example:

How much do you agree with this statement: The sun is hot.

Strongly Agree	Slightly Agree	Neutral	Slightly Disagree	Slightly Disagree
1	2	3	4	5 (16)

Some questions ask you to explain your answer. Please print your answer in the space provided by the question or in the extra space at the end of the booklet.

It is important that you answer each question. However, if you feel that the choices provided do not fully explain your answer, you may write additional comments beside your answer. Also, feel free to use the "Comments" page at the end of the booklet.

Thank you for your cooperation and participation.

1. Were you invited to attend a Structured Plea Negotiation Conference with the judge, prosecuting attorney and the defense attorney in order to discuss the resolution of the case for which you were a victim? (The defendant/offender and the arresting police officer may also have attended this Conference.)

No.....1
Yes.....2 (11)

IF YOU ANSWERED NO, SKIP TO QUESTION 13
IF YOU ANSWERED YES, GO ON TO QUESTION 2

2. Did you attend this Conference?

No.....1
Yes.....2 (12)

IF YOU ANSWERED NO, SKIP TO QUESTION 12
IF YOU ANSWERED YES, GO ON TO QUESTION 3 BELOW

3. Did the defendant/offender (or his/her attorney) agree to plead guilty as part of a bargain made during the Conference?

No.....1
Yes.....2 (13)

IF YOU ANSWERED NO, SKIP TO QUESTION 6
IF YOU ANSWERED YES, GO ON TO QUESTION 4

4. What agreements were reached? (Circle the number next to each agreement below that was worked out at the Conference. You may circle more than one.)

The defendant/offender would plead guilty in exchange for the prosecutor's charging him/her with less serious or fewer crimes.....1 (14)

The defendant/offender would plead guilty in exchange for a more favorable sentence.....2 (15)

The defendant/offender would plead guilty in exchange for some other gain.....3 (16)

If you circled 3 above, please describe the other gain here: (Please print)

5. How fair do you think this bargain is:
- very fair.....1
 - somewhat fair.....2
 - not at all fair.....3 (17)

Why? _____

NOW, SKIP TO QUESTION 7

6. Why was a guilty plea not agreed upon during the Conference? (Circle the number next to the most important reason.)
- The defense attorney needed to talk with the defendant/offender.....1
 - The defendant wanted to go to trial.....2
 - The prosecuting attorney did not want to bargain.....3
 - Some other reason.....4 (18)

If you indicated "some other reason," please describe the reason here: (Please print)

7. How satisfied are you with the Structured Plea Negotiation Conference procedure?
- very dissatisfied.....1
 - somewhat dissatisfied.....2
 - neither satisfied or dissatisfied.....3
 - somewhat satisfied.....4
 - very satisfied.....5 (19)

Why? _____

8. How much influence do you believe you had on what happened during the Conference?
- no influence at all.....1
 - some influence.....2
 - a great deal of influence.....3 (20)

9. How important do you believe it was that you attended the Conference?
- not at all important.....1
 - somewhat important.....2
 - very important.....3 (21)

10. Which do you think is the better method for handling a criminal case, a Structured Plea Negotiation Conference, or a trial?
- Structured Plea Negotiation Conference.....1
 - A trial.....2 (22)

11. What effect has your participation in the Structured Plea Negotiation Conference had on your opinion of the court system? Do you now view the court system to be:
- Better than you thought.....1
 - Worse than you thought.....2
 - or
 - Has it had no effect on your opinion....3 (23)

NOW SKIP TO QUESTION 13

12. Why did you not attend the Conference? (You may circle more than one.)
- Could not take time from work.....1 (24)
 - Did not want to go.....1 (25)
 - Forgot about the Conference.....1 (26)
 - Did not have the money to attend.....1 (27)
 - Did not have the transportation to attend.....1 (28)
 - Could not leave my children.....1 (29)
 - Did not think my attendance would make a difference.....1 (30)
 - Was afraid to meet the defendant/offender.....1 (31)
 - Unhappy with treatment by police and/or prosecutors.....1 (32)
 - Some other reason.....1 (33)

If you indicated "some other reason," please specify the reason here: (Please print)

13. Do you know how your case turned out?

- No, and I don't care.....1
No, but I would like to know.....2
Yes, I know.....3

(34)

IF YOU ANSWERED NO (1 or 2) SKIP TO QUESTION 16

If you answered Yes: What happened?

- The case was dismissed.....1
One or more defendants/offenders
pled guilty.....2
One or more defendants/offenders
were convicted at trial.....3
One or more defendants/offenders
were acquitted/found not guilty
at trial.....4
Some other outcome.....5

(35)

If you indicated "some other outcome," please specify
the outcome here: (Please print)

14. Were one or more defendants/offenders convicted and
sent to jail or prison as a result of this case?

- No.....1
Yes.....2

(36)

15. How satisfied are you with the outcome of
your case?

- very dissatisfied.....1
somewhat dissatisfied.....2
neither satisfied or dissatisfied.....3
somewhat satisfied.....4
very satisfied.....5

(37)

Why?

16. We are interested in learning about your attitudes
toward the criminal justice system. Please indicate
your degree of agreement with each statement below
by circling the number in the appropriate column.

Statement	Strongly Agree 1	Slightly Agree 2	Neutral 3	Slightly Disagree 4	Strongly Disagree 5	
The court system is too slow and wastes a lot of time	1	2	3	4	5	(38)
Guilty defendants are not punished enough by the courts	1	2	3	4	5	(39)
The courts in this country do about as good a job as one can expect	1	2	3	4	5	(40)
In general, judges make fair decisions	1	2	3	4	5	(41)
The court system cares about the victim's needs	1	2	3	4	5	(42)

17. For the following questions, plea negotiation is defined as
a defendant's agreeing to plead guilty in exchange for
some concession by the state, such as a lesser charge
or a reduced sentence.

Please circle the number for the response that best indicates
your agreement or disagreement with each statement below.
If you do not have an opinion for a statement, circle 3,
"Do Not Know."

	Agree	Disagree	Do Not Know	
Plea negotiations save time and money	1	2	3	(43)
Plea negotiations help defendants to get off with too light a sentence	1	2	3	(44)
Plea negotiations are a good way to decide a case	1	2	3	(45)
Plea negotiations should be avoided so that most cases go to trial	1	2	3	(46)
Plea negotiations result in fair decisions	1	2	3	(47)

18. Would you say that your experience in the current case has made you more likely or less likely to cooperate in the future with the courts or the police, or has it had no effect?

Has made me more likely to cooperate....1 (40)
Has made me less likely to cooperate....2
Has had no effect.....3

19. How many times did you go to each of the following places to discuss or observe matters related to your case?

police station..... times (49-50)
prosecutor's office..... times (51-52)
court house..... times (53-54)
other, please specify..... times (55-56)

Background Characteristics

The following questions are used solely to describe overall the group of persons who have completed questionnaires.

Are you a:

Male.....1
Female.....2 (57)

What is your main racial or ethnic group?

Black/Negro.....1
White/Caucasian.....2
Other.....3 (58)

What is the highest level of education that you have completed?

8th grade or less.....1
Some high school.....2
Completed high school.....3
Some college.....4
Completed a college degree..5 (59)

What was your total family income last year, before taxes. Include income from all sources: wages, salaries, tips, pensions, social security, welfare, alimony, child support, etc.

Under \$5000.....1
\$5000-\$9999.....2
\$10,000-\$19,999.....3
\$20,000-\$39,999.....4
\$40,000 or above.....5 (60)

How are you currently:

Working full time.....1
Working part time.....2
Unemployed.....3
Retired.....4
A student.....5
Disabled/cannot work.....6
Other.....7 (61)

If other, please specify _____

What was your age at your last birthday? _____ years (62-63)

THANK YOU VERY MUCH FOR YOUR COOPERATION

PROGRAM CHART

Clearwater

Jurisdiction Issues

Required minimum of 3,000
Felony Indictments

Approximately 5,160

Current Active and/or
Explicit Nature of Judicial
Involvement in Plea
Negotiations

Depending upon individual judge,
varies a great deal. Active
Judicial involvement in sentence
bargaining. There is explicit
agreement between judge and
defense on the terms of the
sentence.

Current Prosecutory
Involvement in Plea
Negotiations

Limited charge bargaining.
Prosecutor makes implicit
sentence recommendations.

Current Plea Bargaining
Guidelines and Review Policy

Official policy of no charge
bargaining. However, charge
reduction may occur prior to
arraignment. Review by Chief of
Clearwater Trial Division.

Vertical Prosecution

Whenever possible

Vertical Defense

Whenever possible

Judicial Calendar

Each judge handles motions and
trials for each case assigned to
him. Criminal Division Administra-
tor schedules trials. Central
scheduling allows record keeping
of continuances.

Current Screening Practices

Screening occurs at information
level by means of no-information
decisions or nolle prosequi.

Existing Victim-Witness
Program

Investigative process brings
victim into SAO early in the case.
Statute requires notification of
victim re: sentence. Crime
compensation programs are also
available. (Copy of program attached)

Clearwater

Time Frame

Current Time from Arrest to Trial 60 - 90 days

Current Time from Point of Random Assignment to Disposition 4 - 8 weeks

Selection Issues

Initial Court Appearance (Point of Random Assignment to Test or Control) Randomization will occur at arraignment on the information

Exclusion or Inclusion of Capital Offenses Exclusion of Capital Cases, Welfare Fraud Cases and Bad Check Cases.

Randomization of Judges to Test or Control Chief Judge assigns judges. Will assign one of criminal calendars and judge to the Test group. The remaining judge and calendar will be the Control group.

Random Assignment of Cases to Judges and of Cases to Test or Control Split the calendars, A will be Test and B Control or vice versa. Randomization of cases from each test and control judges calendar.

Pre-Conference Issues

Notification and Information Procedures Information on the program and conference time provided by program staff.

Defense and Prosecution By program staff upon selection

Victim By prosecutor's office. Program staff follows up on prosecutor's notification, if necessary which will be done by form letter.

Defendant By prosecutor if defendant in jail. By defense if defendant on bail.

Clearwater

Pre-Conference Issues (cont.)

Cancellation/Postponement of Conference Five (5) working days notice required.

Pressure to Avoid Conference Unknown

Extra Conference Negotiations No final settlement actions taken outside of conference. Currently there is a statutory reciprocal discovery. Program should not interfere with this practice.

Police Role and Attendance at Conference Limited by discretion of prosecutor. Police attendance encouraged only in victimless crime or when he himself is the victim.

Police report Availability at Conference Furnished by the State Attorney's Office

Trial Preparation before Conference Current vertical prosecution presents no problem.

Admissibility at Trial of Defendant Statements at Conference Not admissible

Record of Conference Proceedings Formal written record maintained with a list of participants, final disposition, terms of agreement, other information agreed upon.

If Conference Does Not Settle, will Conference Judge also be Trial Judge Possibly, does not have to be.

SITE ORGANIZATION

Clearwater

PROSECUTOR'S OFFICE

Population of Jurisdiction	Clearwater (1977) 76,492
District Attorney	James T. Russell, State Attorney, 6th Judicial Circuit
Number of Prosecutors	12 - 16 ASA in Clearwater Trial Division who handle both felony and misdemeanors. Two will be assigned to handle pretrial conference cases.
Number of Felonies Filed Annually	Approximately 5,160 informations and indictments. 3,123 in 1979 and 1,599 in the first six (6) months of 1980.
Structure	Defined organizational structure Vertical Prosecution after advisory hearing. Try to adhere to this policy as much as possible, but sometimes it is impossible to do so. Trial Division Chief (Paul Meissner) assigns ASA activities.
Division of Labor	Limited specialization. Prosecutor rotates through all activities.
Geographic Jurisdiction	All criminal prosecution in Clearwater and surrounding county for study purposes. Sixth Judicial Circuit Pinellas and Pasco County.
Bail Agencies	No special bail agency
Process	Bail may be set at booking according to pre-set bail schedule which corresponds to different offenses. Advisory hearing occurs within 24 hours at which time bail may be set or changed. Judge decides if probable cause for the arrest exists.
Types	

Clearwater

Screening Prior to Indictment
or Information

Process

SAO has investigation after advisory and if sufficient evidence exists, then information is filed.

Personnel

Asst. State Att., secretary, arresting officer, witnesses

% Rejected

Approximately 30% by SAO division Chief.

Preliminary Hearing Use
And Adversary Nature

Non-adversary advisory hearing held within 24 hours of arrest to determine probable cause for holding defendant in custody.

Adversary preliminary hearing may be held if the information is not filed within 21 days -- occurs in less than 15% of cases.

Grand Jury

Used only for capital offenses or for especially sensitive offenses, ie. political or otherwise, because of the fact that SA is an elected office. When needed as a buffer on sensitive cases.

Arraignment

Arraignment on Information issued by SAO. Judge determines probable cause for information. 97% of arraignments are done in the form of written pleas on Thursday mornings. Arraignments are done on Friday for cases where no written plea is submitted.

Trials

1979: 3123 informations filed, 6 by indictment. Held in 3% of arraigned cases. 1979 - 93 trials. In Clearwater first six (6) months of 1980 1599 informations filed, 4 by indictment. Trials held in 2% of cases; 32 trials.

Time Structure

Felony Speedy Trials
Rule - 180 days unless waived by defendant.

Clearwater

Continuance Practices

Judges have a long standing policy of no continuances.

Discovery

Receprocal statutory discovery begins after information filed.
Rules of Court - 3.220, pages 306 - 312.

Investigative Resources

Personnel

SAO investigations begin within 72 hours of arrest. Material witness must be interviewed under oath.

Law Enforcement

Role

No. of Agencies Bringing
Cases

See attached sheet

Size of Agency

See attached sheet

Accuracy of Prior Record
Information

See attached sheet

COURT ORGANIZATION

Official Name

6th Judicial Circuit

Legal Jurisdiction

All felonies in Clearwater, after information is filed, for study purposes.

Number of Felony Filings

3123 in 1979, 1599 in first six (6) months of 1980

Number of Judges

11 total, 2 sit on criminal bench for six months period in which only criminal cases are heard. One of the two is the Criminal Administrator.

4.

Clearwater

Specialization/Case Mix

Judge assignments to different divisions are made every 6 months by the Chief Judge. There is no case mix. After rotation another judge handles cases that may have begun earlier.

Calendar

Cases assigned and trial date set at arraignment on information by a Circuit Court Judge who is also the Criminal Administrator.

Spin-Offs

97% set at written pleas on Thursday. Those not set are called for arraignment on that following Friday.

Shopping

Shopping is difficult. ASA requests trial date to accommodate his schedule. Criminal Administrator then chooses date judges alternate between courtrooms.

Judicial Authority to
Accept Lesser Charge Plea

Judge may not accept lesser charge pleas without ASA approval. Judge can only bargain on the sentences, not changes without ASA approval.

Sentencing

Sentencing is focus of guilty plea negotiations. Some judges will give maximum caps on sentences beforehand, others will not and defendant must plead straight up or go to trial.

Prosecutor recommends either prison term, probation, or remains silent on aggravation.

Parole Commission may add time within maximum caps. Actual time served not known at sentencing.

% Receiving Probation

Unknown

5.

Clearwater

DEFENSE ORGANIZATION

Types/Authorization

Public Defender assigned all indigent cases -- 60% of total criminal cases.

Partially insolvent defendants are given private appointed attorney.

Method of Payment

Private appointed attorneys receive payment from defendant according to what defendant can pay. Balance is paid by state according to a low (\$10 - \$20) hourly rate.

Number of Attorneys

Approximately 11 attorneys
4 misdemeanor
6 felony

Caseload

Approximately 1300

When Appointed

Appointed at advisory hearing for those not on bond.

Appointed at arraignment on information for those who had no advisory hearing.

POLICE AGENCIES

<u>Town</u>	<u>Population</u>	<u>Arrests per 100,000</u>	<u>% Change from 1978</u>	<u>Accuracy of Prior Record Info.</u>
Clearwater	82,905	5767 arrests 5968 per 100,000	+29.6%	NCIC - FCIC
Largo	58,761	1453 arrests 2472 per 100,000	+5.0%	NCIC - FCIC
Dunedin	29,406	1533 arrests 5213 per 100,000	+11.1%	NCIC - FCIC
Indian Rocks Beach	3,763	261 arrests 6936 per 100,000	+31.8%	-
Indian Shores	1,699	114 arrests 6709 per 100,000	+46.2%	-
Belleair	3,663	101 arrests 2757 per 100,000	+304.0%	-
Belleair Beach	1,827	22 arrests 1204 per 100,000	-38.9%	-
Belleair Bluffs	2,970	42 arrests 1414 per 100,000	+68.0%	-
Tarpon Springs	13,020	193 arrests 1482 per 100,000	-3.0%	NCIC - FCIC
Pinellas County Unincorporated Sheriffs Dept.	212,470	9,470 arrests 4457 per 100,000	+14.4%	NCIC - FCIC
6th Judicial Circuit	887,330	32,186 arrests 3627 per 100,000	+7.7%	NCIC - FCIC



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St. Petersburg Times

August 29, 1981: FORMER FIRE CHIEF'S TRIAL IS POSTPONED

October 6, 1981: SHREERO, REJECTED FOR SPECIAL PROGRAM, PLEADS
NO CONTEST, by Tim Johnson

December 22, 1980: Tampa Tribune: PLEA BARGAIN RESULTS CONTRADICT
DETRACTORS

St. Petersburg Times:

Septmeber 15, 1981: MAN ON TRIAL FOR ATTEMPTED MURDER IN RACIAL
INCIDENT, by Frank DeLoache

September 16, 1981: RACIAL SHOOTING 'AMUSED' DEFENDANT, OFFICER TESTIFIES
by Frank DeLoache

September 2, 1981: LAWYER SAYS DEFENDANT WAS INSANE WHEN HE SHOT
BLUDGEONED VICTIM, by John Harwood

Florida Bar News, July 25, 1981: sentencing committee invites comment:
TRIAL JUSGE'S DISCRETION SHOULD NOT
BE LIMITED, PLEA BARGAINING STUDY CONCLUDES

Miami Herald, July 29, 1981: PLEA BARGAIN RULES TOUGHER, by John Katzenbach

Clearwater Sun: JUDGE: PLEA BARGAINING IS RARE HERE

St. Petersburg Times, January 24, 1981: war declared on plea bargaining
" " " , March 23, 1981: is plea bargaining a judicial
charade or a reward?

November 1, 1981: IS JUSTICE SERVED BY PLEA BARGAINING?

January 19, 1982: KEY WITNESS IN PAWNSHOP SCAM DISAPPEARS

December 4, 1980: FEDERAL STUDY OF PLEA BARGAINING STARTS IN
CLEARWATER COURTS

Florida Bar News, June 15, 1981: PUBLIC IS HOSTILE TO PLEA BARGAINING,
SURVEY SHOWS



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