



BRAD KING, STATE ATTORNEY
Fifth Judicial Circuit of Florida
Serving Marion, Lake, Citrus, Sumter, Hernando Counties

To: Judge James R. McCune, Administrative County Court Judge of Marion County
and County Court Judges

From: Brad King, State Attorney

RE: Redistribution of Assistant State Attorney assignments

Date: July 12th, 2018

As I recently explained to you, the number of cases on the county court dockets of Marion County have dropped in recent years, while caseloads in other counties have not. For example, each of you have averaged about 4000 criminal cases per year, while the sole county judge in Sumter County has about 6000. This has resulted in an imbalance in the workloads of my staff. Because the legislature provides me only a limited number of positions, I am forced to reassign attorney positions among the 26 courtrooms I must staff in order to better balance the workload on my attorneys.

Based on the caseload data, I am reducing the number of attorneys assigned to the Marion County Court from 10 to 6. In order to facilitate this, I requested that you reduce the number of dockets from 4 to 3, like the county court judges have done in Lake County. I was joined in this request by the Public Defender, who like me, must provide services with a limited number of staff. For reasons about which I can only speculate, you have refused this request. Keep in mind that in addition to the regular dockets, we also support eight different county court diversion programs aimed at keeping first offenders, and sometimes second and third ones, out of the formal court system.

I intend to make this reduction in two steps. First, I will reduce the attorneys assigned to each Marion County Court docket from two to one and a half. Because I will have two attorneys who must divide their time between two dockets, I must reduce their caseloads even further. I am implementing several steps to reduce the caseload on each docket. As the caseloads drop on each docket, I am going to take the second step to further equalize the workload on my staff, and make better use of the resources I commit to each docket, by assigning only one attorney to each of two dockets.

I had my staff review each of the Marion County Court dockets to determine if an unequal assignment of staff would be appropriate due to prosecution results obtained, because of the rulings of each judge. I have determined that there are two dockets where the results of prosecutions produce substantially less benefit for the citizens of Marion County. Accordingly, I will further reduce the staff allocated to those dockets.

Marion County Courthouse
110 N. W. 1st Avenue, Suite 5000
Ocala, Florida 34475
352-671-5800

I have found that, for a number of reasons, it is an ineffective use of limited resources to have more than one attorney assigned to Judge Robert Landt. His rulings on such things as motions to dismiss, motions to suppress evidence, and motions to set bond, and his sentencings are consistently more favorable to the defense than other judges. (We have successfully appealed these rulings on many occasions, but appeal is not an option in most of his rulings.) Since the outcome is less favorable to the prosecution of criminals in his courtroom, I have chosen to invest fewer resources there. I am prepared, if it becomes necessary, to implement several changes that will further reduce the cases on his docket, since we expect little in the way of punishment for those defendants. These planned changes will make the workload manageable for one attorney.

I found a different problem on Judge Tommy Thompson's docket, but with a similar result. Judge Thompson started with the smallest docket; it was, in fact, zero. Unfortunately, it is now the largest docket because he grants continuance after continuance to defendants. This results in not just a delay in justice for the victims in those cases, but in little activity on his docket other than just having an attorney present while continuances are granted. Accordingly, I will consider further reducing the cases assigned to his docket, so that I may further reduce the staff assigned to his courtroom and to try to achieve a more timely resolution for those cases that remain on his docket.

I realize that further reducing the caseload on two dockets, but not on the others, may result in some disparate treatment of defendants based upon docket assignment. Such disparate treatment already exists among the dockets due to the proclivities of the two judges set forth above.

After making the final reduction in staff to Judge Landt's and Judge Thompson's dockets, I will evaluate each of the two other dockets to determine if one and a half attorney positions are adequate, or if I should return the two-attorney arrangement to Judge Ritterhoff-Williams' and Judge McCune's dockets.

I have already begun reassignment of attorneys on each docket. If, in the future, you should be willing to reconsider redistributing the caseloads, I will be more than happy to revisit this arrangement. County Court Supervisor Becky Fletcher and Marion County Division Supervisor Toby Hunt will be responsible for docket assignments as we work through this process.