

CIRCUIT CRIMINAL PROCEEDINGS

This section, Circuit Criminal Proceedings, covers the reporting do's and don'ts that should be followed when completing the monthly Circuit Criminal SRS forms. For ease of following the SRS forms, this section is divided into the major sections indicated on the forms. The circuit criminal SRS reporting forms are located in the section entitled, SRS Forms. Each U and Y indicates guidelines and directions that should be followed when completing the specific section of the SRS forms. The Offender Based Transaction System (OBTS) users guidelines are provided in the shaded boxes. For a detailed explanation regarding the computation of the SRS filings from the OBTS data, please refer to the section entitled, OBTS.

Note: The section entitled, Category Definitions, explains casetype, category definitions, and offense seriousness.

DEFENDANTS

Number Of Defendants Accused

Please refer to the section of the SRS form that reports information associated with the number of defendants accused during the specified reporting period.

- U Report each defendant against whom an information or indictment is filed. Report only those informations or indictments which are filed with the clerk's office during the reporting month.

For the OBTS, the prosecutor filing date field should be entered only when an information or indictment is filed. Use the prosecutor's final action code of N (filed).

- U Report multiple defendants who are named on one information or indictment, each as a separate filing.

For the OBTS, each defendant should have a unique case number. This can be accomplished by creating a different case number or by using an alpha suffix.

- U If one defendant is named on multiple informations or indictments which are filed on the same day, then each information or indictment should be counted as a separate filing.

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U Report the number of informations or indictments in the appropriate casetype category. The most serious offense should be reported for the defendant accused on an information or indictment with multiple charges.

EXAMPLE: When a defendant is charged with an "attempt" under Section 777.04, Florida Statutes, report the offense in the appropriate circuit criminal casetype category. Therefore, if a defendant is charged with attempted burglary then the charge should be reported in the burglary casetype category. The **only exception** is for attempted first degree murder (Subsection 782.04 (1) (a) and 777.04 (4)(c), Florida Statutes) which shall be reported in the non-capital murder category.

For the OBTS, in situations where a defendant is charged under Chapter 777.04, Florida Statutes, do not report the attempt statute in the statute number field in any of the OBTS phases. Record the Florida statute cite of the specific crime that is attempted [e.g., burglary (810.02), robbery (812.13), aggravated assault (784.021)], and use one of the general offense codes for attempts.

U Report defendants charged with criminal contempt filed before or after a disposition **only** if a new information is filed; otherwise, the criminal contempt charge would be considered an additional count of the original case.

For the OBTS, a contempt charge will be counted as a new case only if it is reported using a different case number and the prosecutor filing date field is entered.

U Report a defendant in a case transferred from another court or jurisdiction **only** if an information or indictment has been filed.

For the OBTS, when transferring a case from circuit to county court, the prosecutor filing date should be entered only if a circuit court information is filed. The data in the basic and initial phases of the county and circuit court records should be identical.

U Report defendants added by the filing of an amended information.

For the OBTS, additional defendants included on an amended information should be assigned a unique case number. This can be accomplished by creating a different case number or by using an alpha suffix.

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The following items identify common reporting mistakes. Please check these items to ensure that the SRS report **does not** include these same reporting errors.

- Y **DO NOT** include sworn complaints.
- Y **DO NOT** report defendants whose cases were previously reported as disposed and are now being resubmitted or reopened before the court. (See Number of Defendants with Reopened Cases, page 2-12.)

For the OBTS, cases resubmitted to the court after being disposed in the court phase should be reopened by entering the date charge reopened and reason charge reopened fields. (See Number of Defendants with Reopened Cases, page 2-12.)

- Y **DO NOT** report civil actions which occur in conjunction with a criminal case. Report these actions in the appropriate civil section of the form.

Number of Defendants Disposed

Please refer to the section of the SRS form that reports information associated with the number of defendants disposed during the specified period.

For the OBTS, a defendant will not be reported as disposed until all sequence numbers for a given case number are disposed.

- U Report defendants as disposed when the final judicial decision is rendered which terminates a criminal proceeding by a judgment of acquittal or dismissal or states the specific sentence in the case of a conviction. For purposes of SRS reporting, include the following:
 - C defendants for whom adjudication is withheld;
 - C defendants whose cases are transferred to another court or have a change of venue;
 - C defendants declared mentally or physically unable to stand trial or to participate in the judicial process; and

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- C defendants who are placed on deferred prosecution or other pretrial diversion or probation programs approved by the state attorney.
- U Report each defendant in the disposition category that uses the most judicial time. If multiple charges are being disposed at the same time with the same type of disposition, report the defendant in the casetype category of the most serious charge. (See the section entitled, **Category Definitions**, which lists the disposition categories in order of judicial time expended.)

For the OBTS, the prosecutor or court phase of each record should indicate the disposition for each charge. The SRS software will determine the disposition that uses the most judicial time.

- U Report each information or indictment after all charges are disposed.

For the OBTS, each information or indictment having a unique case number will be counted.

- U Report the defendant who has multiple informations or indictments that are consolidated by the filing of an information or indictment containing all charges in the appropriate casetype category of the most serious disposition category. **The case from which the charges were consolidated should not be reported.**

For the OBTS, the consolidation code used in the field for the final action by the prosecutor should only be entered when consolidation is accomplished through the filing of an information or indictment. The case from which the charges were consolidated will not be counted for SRS purposes.

The following items identify common reporting mistakes. Please check these items to ensure that the SRS report **does not** include the same reporting errors.

- Y **DO NOT** report dispositions of defendants whose cases were not reported as filed. **For SRS reporting purposes, a new case is counted when an information or indictment is filed.**

For the OBTS, the SRS program will not count a disposition unless the prosecutor filing date field contains a valid date.

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- Y **DO NOT** report dispositions of defendants whose cases were previously reported as disposed that have been resubmitted or reopened before the court. (See Number of Defendants with Reopened Cases, page 2-12.)

For the OBTS, cases resubmitted to the court after being disposed in the court phase should be reopened by using the date charge reopened and reason charge reopened fields. (See Number of Defendants With Reopened Cases, page 2-12.)

Number of Before Trial Dispositions

Please refer to the section of the SRS form that reports information associated with the number of before trial dispositions in the following categories: Speedy Trial Rule Dismissals, Dismissed, Transferred, Plea, and Other. The following guidelines refer to the dispositions that occur:

- C **before** the jurors and alternates are selected and sworn; or
- C **before** the first evidence is introduced or an opening statement is made in a non-jury trial.

For reporting purposes, report the number of defendants disposed before a trial begins.

For the OBTS, use the type of trial code of 1 (none, no trial required).

Speedy Trial Rule Dismissals

- U Report, in the appropriate casetype category, the total number of defendants against whom **all** counts in the criminal proceeding were dismissed because the time frame of the **Speedy Trial Rule** was not met (See Rule 3.191, Florida Rules of Criminal Procedure).

For the OBTS, use the prosecutor's final action code of S (speedy trial) if the dismissal occurs prior to an information being filed. If the dismissal occurs after an information is filed, use the court action taken code of T (dismissed speedy trial).

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Dismissed

- U Report, in the appropriate casetype category, the total number of defendants against whom **all** counts in the criminal proceeding were **dismissed**.

For the OBTS, all sequence numbers for a given case number must contain a dismissed code in either the prosecutor or court phase for the SRS software to count a defendant in the dismissed category.

- U Report the number of defendants for whom **all** counts on an information or indictment were **dismissed** on the prosecutor's motion (i.e., nolle prosequi).

For the OBTS, use the prosecutor's final action code of O (nolle prosequi).

- U Report the number of defendants for whom **all** counts on an information or indictment were **dismissed** by the court.

For the OBTS, use the court action taken code of D (dismissed) or E (dismissed upon payment of restitution).

The following items identify common reporting mistakes. Please check these items to ensure that the SRS report **does not** include these same reporting errors.

- Y **DO NOT** report the number of defendants against whom all charges were dropped because the prosecutor did not obtain or seek an indictment or information (no file). No files are reported on the special proceedings section of the report. (See Number of No Files, page 2-25.)

For the OBTS, if all sequence numbers for a given case contain the prosecutor final action code of L (dropped/abandoned), the case will be reported as a "no file" on the special proceedings section of the report. (See Number of No Files, page 2-25.)

- Y **DO NOT** report the number of defendants for whom all counts were dismissed because the time frames of the Speedy Trial Rule were not met. (See Speedy Trial Rule Dismissals, page 2-5.)

- Y **DO NOT** report the number of defendants who were placed on deferred

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prosecution or other pretrial diversion or probation programs approved by the state attorney. (See Other Disposition category, page 2-7.)

- Y **DO NOT** report the number of defendants who successfully completed a pretrial diversion program and a nolle prosequi was entered.

Note: The section entitled, OBTS, provides detailed instructions on reporting pretrial diversion dispositions.

Transferred

- U Report, in the appropriate casetype category, the number of defendants whose cases were **transferred** to another court or had a change of venue.

For the OBTS, use the prosecutor final action code of R (transferred) if the transfer occurs prior to an information being filed. If the transfer occurs after an information is filed, use the court action taken code of V (change of venue).

Plea (Guilty/Nolo)

- U Report, in the appropriate casetype category, the number of defendants convicted on one or more counts following a **plea of guilty or nolo contendere**.

For the OBTS, use the court action taken code of G (adjudicated guilty) or K (adjudicated delinquent) and the defendant's final plea code of 2 (guilty) or 3 (nolo contendere).

- U Report the number of defendants for whom adjudication was withheld after the defendant entered a **plea of guilty or nolo contendere**.

For the OBTS, use the court action taken code of W (adjudication withheld) and the defendant's final plea code of 2 (guilty) or 3 (nolo contendere).

Other

- U Report, in the appropriate casetype category, the number of defendants who

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received any disposition not included in the previously described dispositions.

- U Report the number of defendants placed on deferred prosecution or other pretrial diversion or probation programs approved by the state attorney **after** an information or indictment was filed.

Note: The section entitled, OBTS, provides detailed instructions on reporting pretrial diversion dispositions.

- U Report the number of defendants declared mentally or physically unable to stand trial or to participate in the judicial process.

For the OBTS, use the court action taken code of M (mentally/physically unable to stand trial).

- U Report the number of defendants whose cases were disposed upon the estreature of a bond and no further action was taken by the prosecutor or the court.

For the OBTS, use the court action taken code of B (bond estreature).

Number of After Trial Non-Jury Dispositions

Please refer to the section of the SRS form that reports information associated with the number of after trial non-jury dispositions in the following categories: acquitted/dismissed, plea, or convicted. For reporting purposes, consider the beginning of a non-jury trial to be when the first evidence is introduced or an opening statement is made. A non-jury trial is a bench or judge trial where the judge has to decide the issues of law and fact in the case.

For the OBTS, use the type of trial code of 3 (non-jury trial).

Note: DO NOT include mistrials. Report the case when the defendant has a final disposition.

DEFENDANTS

Acquitted/Dismissed

- U Report, in the appropriate casetype category, the number of defendants **acquitted** on all counts.

For the OBTS, use the court action taken code of A (acquitted), and the defendant's final plea code of 1 (not guilty).

- U Report the number of defendants for whom a nolle prosequi was entered **on all** counts.

For the OBTS, use the prosecutor's final action code of O (nolle prossed).

- U Report the number of defendants for whom **all counts** were **dismissed** because the defendant was **acquitted** or the defendant was found not guilty subsequent to an insanity plea.

For the OBTS, use the court action taken code of I (acquitted by reason of insanity), and the defendant's final plea code of 4 (not guilty by reason of insanity).

- U Report the number of defendants for whom **all counts** were dismissed by the court.

For the OBTS, use the court action taken code of D (dismissed), E (dismissed upon payment of restitution) or F (administratively dismissed), and the defendant's final plea code of 1 (not guilty).

Plea (Guilty/Nolo)

- U Report, in the appropriate casetype category, the number of defendants convicted on one or more counts following a **plea of guilty or nolo contendere**.

For the OBTS, use the court action taken code of G (adjudicated guilty), or K (adjudicated delinquent), and the defendant's final plea code of 2 (guilty) or 3 (nolo contendere).

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- U Report the number of defendants for whom adjudication was withheld following a **plea of guilty or nolo contendere**.

For OBTS, use the court action taken code of W (adjudication withheld), and the defendant's final plea code of 2 (adjudicated guilty) or 3 (nolo contendere).

Convicted

- U Report, in the appropriate casetype category, the number of defendants **convicted** on one or more counts.

For the OBTS, use the court action taken code of G (adjudicated guilty), or K (adjudicated delinquent), and the defendant's final plea code of 1 (not guilty) or 4 (not guilty by reason of insanity).

- U Report the number of defendants for whom adjudication is withheld after the judge enters a guilty verdict.

For the OBTS, use the court action taken code of W (adjudication withheld), and the defendant's final plea code of 1 (not guilty) or 4 (not guilty by reason of insanity).

Number of After Trial by Jury Dispositions

Please refer to the section of the SRS form that reports information associated with the number of after trial by jury dispositions in the following categories: acquitted/dismissed, plea, or convicted. For reporting purposes, consider the beginning of a jury trial to be when the jurors and alternates are selected and sworn.

For the OBTS, use the type of trial code of 2 (jury trial).

Note: DO NOT include mistrials. Report the case when the defendant has a final disposition.

DEFENDANTS

Acquitted/Dismissed

- U Report, in the appropriate casetype category, the number of defendants **acquitted** on all counts.

For the OBTS, use the court action taken code of A (acquitted) and the defendant's final plea code of 1 (not guilty).

- U Report the number of defendants for whom a nolle prosequi was entered on all counts.

For the OBTS, use the prosecutor's final action code of O (nolle prossed).

- U Report the number of defendants for whom **all counts** were **dismissed** because the defendant was **acquitted** or the defendant was found not guilty subsequent to an insanity plea.

For the OBTS, use the court action taken code of I (acquitted by reason of insanity), and the defendant's final plea code of 4 (not guilty by reason of insanity).

- U Report the number of defendants for whom **all counts** were dismissed by the court.

For the OBTS, use the court action taken code of D (dismissed), E (dismissed upon payment of restitution) or F (administratively dismissed) and defendant's final plea code of 1 (not guilty).

Plea (Guilty/Nolo)

- U Report, in the appropriate casetype category, the number of defendants convicted on one or more counts following a **plea of guilty or nolo contendere**.

For the OBTS, use the court action taken code of G (adjudicated guilty) or K (adjudicated delinquent), and the defendant's final plea code of 2 (guilty) or 3 (nolo contendere).

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- U Report the number of defendants for whom adjudication was withheld following a **plea of guilty or nolo contendere**.

For the OBTS, use the court action taken code of W (adjudication withheld) and the defendant's final plea code of 2 (guilty) or 3 (nolo contendere).

Convicted

- U Report, in the appropriate casetype category, the number of defendants **convicted** on one or more counts.

For the OBTS, use the court action taken code of G (adjudicated guilty), or K (adjudicated delinquent), and the defendant's final plea code of 1 (not guilty) or 4 (not guilty by reason of insanity).

- U Report the number of defendants for whom adjudication was withheld after the jury enters a guilty verdict.

For the OBTS, use the court action taken code of W (adjudication withheld), and the defendant's final plea code of 1 (not guilty) or 4 (not guilty by reason of insanity).

SPECIAL PROCEEDINGS

Number of Defendants with Reopened Cases

Please refer to the section of the SRS form that reports information associated with the number of reopened cases during the specified reporting period.

- U** Report, in the appropriate casetype category, the number of defendants with cases previously reported as disposed who have proceedings that are reactivated or resubmitted to the court.

- U** Report the number of motions and petitions filed subsequent to the disposition of the case. This includes motions filed by either the state and/or the defendant where the validity of the sentence imposed is being challenged and/or modified with a hearing set before the court, pursuant to Rule 3.800, Florida Rules of Criminal Procedure (correction, reduction and modification of sentences).

SPECIAL PROCEEDINGS

- U Report the number of defendants with cases remanded from an appellate court to the trial court for the purpose of entry of a proper judgment or decision, an evidentiary hearing, or a new trial.
- U Report the number of defendants with cases filed for judicial action after being placed on deferred prosecution or other pretrial probation programs approved by the state attorney.

Note: The section entitled, OBTS, provides detailed instructions when a defendant is filed for judicial action after being placed on deferred prosecution or other pretrial probation programs.

- U Report the number of cases filed for judicial action after the defendant is declared mentally or physically unable to stand trial.

For the OBTS, in each of the above examples, use the date charge reopened field to enter the reopened date and the reason charge reopened code of O (charge reopened for other reason).

- U Report multiple motions/petitions filed subsequent to the close of the case but on the same day as only one reopening. However, if multiple motions/ petitions are filed subsequent to the close of the case on different days, then report each occurrence.

Note: The section entitled, OBTS, provides detailed instructions when there are instances where a defendant's case is reopened more than once during a reporting period.

The following items identify common reporting mistakes. Please check these items to ensure that the SRS report **does not** include these same reporting errors.

- Y **DO NOT** report the number of defendants with violations of probation or post conviction relief motions. These actions are reported on the Special Proceedings section of the report, see page 2-25.
- Y **DO NOT** report the number of motions to return property, motions to transport prisoners, or motions to tax costs.

SPECIAL PROCEEDINGS

Number of Counts Filed

Please refer to the section of the SRS form that reports information associated with the number of counts filed during the specified reporting period.

- U Report each count listed on an information or indictment. Report the counts listed on those informations or indictments which are filed with the clerk's office during the reporting month.

For the OBTS, each 750-character record is treated as a count.

- U Report multiple counts which are named on one information or indictment separately.

For the OBTS, each count contained on an information or indictment should be submitted as an individual 750-character record with those records having identical case numbers but different sequence numbers. If the information contains more charges than the arresting document, a 750-character record should be created using the identical case number but different sequence number for each added charge. The prosecutor charge status code for the added charges is E (new).

Note: The assignment of sequence numbers need not correspond with the order of the charges on the arresting document. However, all charges on the arresting document must be submitted even if they do not appear on the information or indictment.

- U Report each count in the appropriate casetype category.

Note: The section entitled, Category Definitions, explains casetype and category definitions.

- U Report the counts for defendants charged under Section 777.04, Florida Statutes. Report the offense in the appropriate circuit criminal casetype category.

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EXAMPLE: When a defendant is charged with attempted burglary, the charge should be reported in the burglary casetype category. The only exception is for attempted first degree murder (Subsection 782.04 (1)(a) and 777.04 (4)(c), Florida Statutes) which shall be reported in the non-capital murder category.

For the OBTS, in situations where a defendant is charged under Chapter 777.04, Florida Statutes, do not report the attempt statute in the statute number field in any of the OBTS phases. Report the Florida statute cite of the specific crime that is attempted such as burglary (810.02), robbery (812.13), aggravated assault (784.021), etc.

- U Report criminal contempt counts filed before or after a disposition **only** if a new information or indictment is filed.

For the OBTS, a contempt charge will be counted only if the record contains a prosecutor filing date. Use the prosecutor's final action code of N (filed).

- U Report each count in a case transferred from another court or jurisdiction **only** if an information or indictment has been filed.

For the OBTS, when transferring a case from circuit to county court, the prosecutor filing date should be entered only if a circuit court information is filed. The data in the basic and initial phases of the county and circuit court records should be identical.

- U Report **counts added** by the filing of an amended information or indictment.

For the OBTS, if an amended information or indictment is filed adding charges to an already existing case, a new 750-character record using the identical case number but different sequence number should be created for each charge added. Use the prosecutor charge status code of E (new). The prosecutor filing date will be the date the amended information or indictment is filed with the clerk's office.

The following items identify common reporting mistakes. Please check these items to ensure that the SRS report **does not** include these same reporting errors.

- Y **DO NOT** include sworn complaints.

SPECIAL PROCEEDINGS

- Y **DO NOT** include counts in cases previously reported as disposed that are now being resubmitted or reopened before the court.

For the OBTS, charges being resubmitted to the court after being disposed in the court phase should be reopened by using the date charge reopened and reason charge reopened fields.

- Y **DO NOT** include civil actions which occur in conjunction with a criminal case. Report these actions in the appropriate civil section of the form.

Number of Counts Disposed

Please refer to the section of the SRS form that reports information associated with the number of counts disposed during the specific reporting period. Counts are to be reported as disposed after the final judicial decision is made which terminates a criminal proceeding by a judgment of acquittal or dismissal, or which states the specific sentence in the case of a conviction.

For the OBTS, a count will not be reported as disposed unless the prosecutor filing date field contains a valid date.

For purposes of SRS reporting, include the following:

- C counts for defendants for whom adjudication is withheld;
 - C counts for defendants whose cases are transferred to another court or have a change of venue;
 - C counts for defendants declared mentally or physically unable to stand trial or to participate in the judicial process; and
 - C counts for defendants who are placed on deferred prosecution or other pretrial diversion or probation programs approved by the state attorney.
- U Report each count in the appropriate casetype category and disposition category. Report the disposition in the casetype category of the offense charged at disposition.

SPECIAL PROCEEDINGS

For the OBTS, the prosecutor or court phase of each record should indicate the disposition for that individual charge.

The following item is a common reporting mistake. Please check this item to ensure that the SRS report **does not** include the same reporting error.

- Y **DO NOT** include the dispositions of counts that were previously reported as disposed that have been resubmitted or reopened before the court.

For the OBTS, charges being resubmitted to the court after being disposed in the court phase should be reopened by using the date charge reopened and reason charge reopened fields.

Number of Counts Disposed Before Trial

Please refer to the section of the SRS form that reports information associated with the number of before trial dispositions in the following categories: Speedy Trial Rule Dismissals, Dismissed, Transferred, Plea and Other. The following guidelines refer to dispositions which occur **before** the jurors and alternates are selected and sworn; or **before** the first evidence is introduced or an opening statement is made in a non-jury trial. For reporting purposes, report the number of counts disposed before trial begins.

For the OBTS, use the type of trial code of 1 (none - no trial required).

Speedy Trial Rule Dismissals

- U Report, in the appropriate casetype category, the total number of counts that are dismissed because the time frame of the **Speedy Trial Rule** is not met (See Rule 3.191, Florida Rules of Criminal Procedure).

For the OBTS, use the prosecutor's final action code of S (speedy trial rule) if the dismissal occurs prior to an information being filed. If the dismissal occurs after an information is filed, use the court action taken code of T (dismissed speedy trial).

SPECIAL PROCEEDINGS

Dismissed

- U Report, in the appropriate casetype category, the number of counts that are **dismissed**.

For the OBTS, each sequence number that is being dismissed must contain a dismissed code in either the prosecutor or court phase for the SRS software to count a charge in the dismissed category.

- U Report the number of counts that are **dismissed** on the prosecutor's motion (nolle prosequi).

For the OBTS, use the prosecutor's final action code of O (nolle prossed).

- U Report the number of counts on an information or indictment that are **dismissed** by the court.

For the OBTS, use the court action taken code of D (dismissed) or E (dismissed upon payment of restitution) or F (administratively dismissed).

The following items identify common reporting mistakes. Please check these items to ensure that the SRS report **does not** include these same reporting errors.

- Y **DO NOT** include counts that are dropped because the prosecutor did not obtain or seek an indictment or information (no file). No files are reported on the Special Proceedings section of the report, see page 2-25.

For the OBTS, if all sequence numbers for a given case contain the prosecutor final action code of L (dropped/abandoned), the case will be reported as a no file on the special proceedings section of the report.

- Y **DO NOT** include counts that are dismissed because the time frames of the Speedy Trial Rule are not met. (See Speedy Trial Rule Dismissals, page 2-17.)

- Y **DO NOT** include counts for defendants who are placed on deferred prosecution or other pretrial diversion or probation programs approved by the state attorney. (See Other Disposition category, page 2-19.)

SPECIAL PROCEEDINGS

- Y **DO NOT** report counts for defendants who successfully complete a pretrial diversion program and a nolle prosequi is entered.

Note: The section entitled, OBTS, provides detailed instructions on reporting pretrial diversion dispositions.

Transferred

- U Report, in the appropriate casetype category, the number of counts **transferred** to another court or have a change of venue only if an information or indictment has been filed.

For the OBTS, use the prosecutor's final action code of R (transferred) if the transfer occurs prior to an information being filed. If the transfer occurs after an information is filed, use the court action taken code of V (change of venue).

Plea (Guilty/Nolo)

- U Report, in the appropriate casetype category, the number of counts for defendants convicted following a **plea of guilty or nolo contendere**.

For the OBTS, use the court action taken code of G (adjudicated guilty), or K (adjudicated delinquent), and defendants's final plea code of 2 (guilty) or 3 (nolo contendere).

- U Report the number of counts for defendants for whom adjudication is withheld after the defendant enters a **plea of guilty or nolo contendere**.

For the OBTS, use the court action taken code of W (adjudication withheld) and defendants's final plea code of 2 (guilty) or 3 (nolo contendere).

Other

- U Report, in the appropriate casetype category, the number of counts receiving any disposition not included in the previously described before trial dispositions.

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- U Report counts for defendants who are placed on deferred prosecution or other pretrial diversion or probation programs approved by the state attorney **after** an information is filed.

Note: The section, OBTS, provides detailed instructions on reporting pretrial diversion dispositions.

- U Report counts for defendants declared mentally or physically unable to stand trial or to participate in the judicial process.

For the OBTS, use the court action taken code of M (mentally/physically unable to stand trial).

- U Report counts for defendants whose cases are disposed upon the estreatment of a bond and no further action will be taken by the prosecutor or the court.

For the OBTS, use the court action taken code of B (bond estreatment).

Number of Counts Disposed After a Non-Jury Trial

Please refer to the section of the SRS form that reports information associated with the number of after trial non-jury dispositions in the following categories: acquitted/dismissed, plea or convicted. For reporting purposes, consider the beginning of a non-jury trial to be when the first evidence is introduced or an opening statement is made. A non-jury trial is a bench or judge trial where the judge has to decide the issues of law and fact in the case.

For the OBTS, use the type of trial code of 3 (non-jury trial).

Note: DO NOT include mistrials. Report the case when the defendant has a final disposition.

Acquitted/Dismissed

- U Report, in the appropriate casetype category, the number of counts which are **acquitted or dismissed**.

SPECIAL PROCEEDINGS

For the OBTS, use the court action taken code of A (acquitted), and the defendants's final plea code of 1 (not guilty).

- U Report counts for defendants for whom a nolle prosequi is entered.

For the OBTS, use the prosecutor's final action code of O (nolle prossed).

- U Report the number of counts **dismissed** because the defendant is **acquitted** or the defendant is found not guilty subsequent to an insanity plea.

For the OBTS, use the court action taken code of I (acquitted by reason of insanity), and the defendants's final plea code of 4 (not guilty by reason of insanity).

- U Report the number of counts **dismissed** by the court.

For the OBTS, use court action taken code of D (dismissed), E (dismissed upon payment of restitution) or F (administratively dismissed) and the defendant's final plea code of 1 (not guilty).

Plea (Guilty/Nolo)

- U Report, in the appropriate casetype category, the number of counts for defendants convicted following a **plea of guilty or nolo contendere**.

For the OBTS, use the court action taken code of G (adjudicated guilty) or K (adjudicated delinquent), and the defendant's final plea code of 2 (guilty) or 3 (nolo contendere).

- U Report counts for defendants whose adjudication is withheld following a **plea of guilty or nolo contendere**.

For the OBTS, use the court action taken code of W (adjudication withheld) and the defendants's final plea code of 2 (guilty) or 3 (nolo contendere).

SPECIAL PROCEEDINGS

Convicted

- U Report, in the appropriate casetype category, the number of counts for defendants **convicted** on one or more counts.

For the OBTS, use the court action taken code of G (adjudicated guilty), and the defendant's final plea code of 1 (guilty) or 4 (nolo contendere).

- U Include counts for defendants whose **adjudication is withheld** after the judge enters a guilty verdict.

For the OBTS, use the court action taken code of W (adjudication withheld) and the defendant's final plea code of 1 (guilty) or 4 (nolo contendere).

Number of Counts Disposed After Trial by Jury

Please refer to the section of the SRS form that reports information associated with the number of after trial by jury dispositions in the following categories: acquitted/dismissed, plea or convicted. For reporting purposes, consider the beginning of a jury trial to be when the jurors and alternates are selected and sworn.

For the OBTS, use the type of trial code of 2 (jury trial).

Note: DO NOT include mistrials. Report these actions in the appropriate disposition category when the defendant has a final disposition.

Acquitted/Dismissed

- U Report, in the appropriate casetype category, the number of counts for defendants **acquitted**.

For the OBTS, use the court action taken code of A (acquitted) and the defendant's final plea code of 1 (not guilty).

- U Report counts for defendants for whom a nolle prosequi is entered.

For the OBTS, use the prosecutor's final action code of O (nolle prossed).

SPECIAL PROCEEDINGS

- U Report the number of counts **dismissed** because the defendant is **acquitted** or the defendant is found not guilty subsequent to an insanity plea.

For the OBTS, use the court action taken code of I (acquitted by reason of insanity), and the defendant's final plea code of 4 (not guilty by reason of insanity).

- U Report the number of counts **dismissed** by the court.

For the OBTS, use the court action taken code of D (dismissed), E (dismissed upon payment of restitution) or F (administratively dismissed) and the defendant's final plea code of 1 (not guilty).

Plea (Guilty/Nolo)

- U Report, in the appropriate casetype category, the number of counts for defendants convicted following a **plea of guilty or nolo contendere**.

For the OBTS, use the court action taken code of G (adjudicated guilty) or K (adjudicated delinquent), and the defendant's final plea code of 2 (guilty) or 3 (nolo contendere).

- U Report counts for defendants whose adjudication is withheld following a **plea of guilty or nolo contendere**.

For the OBTS, use the court action taken code of W (adjudication withheld), and the defendant's final plea code of 2 (guilty) or 3 (nolo contendere).

Convicted

- U Report, in the appropriate casetype category, the number of counts for defendants **convicted**.

For the OBTS, use the court action taken code of G (adjudicated guilty) or K (adjudicated delinquent), and the defendant's final plea code of 1 (not guilty) or 4 (not guilty by reason of insanity).

SPECIAL PROCEEDINGS

- U Report counts for defendants for whom adjudication is withheld after the jury enters a guilty verdict.

For the OBTS, use the court action taken code of W (adjudication withheld) and the defendant's final plea code of 1 (not guilty) or 4 (not guilty by reason of insanity).

Number of No Files

- U Report the number of defendants against whom **all charges** in a criminal episode are dropped because the prosecutor did not obtain or seek an indictment or file an information.

For the OBTS, enter the appropriate date under the prosecutor final decision date field and use the prosecutor final action code of L (dropped/abandoned) for all the charges.

Number of Appeals Filed From County Criminal Court

- U Report the number of defendants with appeals from **county criminal court** that are filed during the reporting period. Include only those appeals that will go before a circuit judge or panel.

For the OBTS, the date of the notice of appeal must be entered in the county criminal case that is being appealed.

The following is a common reporting mistake. Please check this item to ensure that the SRS report **does not** include the same reporting error.

- Y **DO NOT** include appeals to the District Court of Appeal or the Supreme Court.

Number of Post Conviction Relief Motions Filed (Rule 3.850, Florida Rules of Criminal Procedure)

- U Report the number of defendants filing formal motions to vacate, set aside, or correct a judgment or sentence during the reporting period.

SPECIAL PROCEEDINGS

For the OBTS, enter the appropriate date under the date charge reopened field and use the reopened reason code of P (post conviction relief motions).

The following item is a common reporting mistake. Please check this item to ensure that the SRS report **does not** include the same reporting error.

- Y **DO NOT** include correspondence or other informal inquiries about a judgment or a sentence that are not pursuant to Rule 3.850, Florida Rules of Criminal Procedure.

Number of Probation Revocation Hearings

- U Report the number of defendants for whom a hearing is held to determine whether the probation of the defendant should be modified or revoked.

For the OBTS, enter the date the violation of probation warrant is served in the date charge reopened field and use the reason charge reopened code of V (violation of probation).

If a warrant is not issued, use the date a notice to appear is served, or, if this is not available, the date the defendant appears in court for a final determination regarding the condition of the probation.

- U Report one probation hearing for each defendant even if, after the hearing, the conditions of the probation remain the same.

The following item is a common reporting mistake. Please check this item to ensure that the SRS report **does not** include the same reporting error.

- Y **DO NOT** report the initial appearance held in order to plea to the charges even if the probation is temporarily revoked. If the judge makes a decision about the condition of the probation and the decision is final, then the hearing would be reported.

SPECIAL PROCEEDINGS

Number of Bond Hearings

- U Report the number of defendants whose pretrial release status is considered by a **circuit judge** at a special hearing for the purpose of setting or modifying bond or other pretrial release.

For the OBTS, a valid date must be entered in the date of bond hearing field for at least one charge and may be entered for each charge. The SRS software will count one bond hearing per case.

- U Report post conviction bond hearings.
- U Report only those hearings that are heard by a circuit court judge.
- U Report each hearing when a defendant appears before a judge for more than one bond hearing during the reporting period.

The following items identify common reporting mistakes. Please check these items to ensure that the SRS report **does not** include these same reporting errors.

- Y **DO NOT** include bond decisions made at first appearance.
- Y **DO NOT** report a bond hearing for each charge in front of the court. Report only one hearing per occurrence.

Number of Adversary Preliminary Hearings (Rule 3.133 (b), Florida Rules of Criminal Procedure)

- U Report the number of defendants for whom a hearing is held to determine whether there is sufficient cause to hold the defendant for trial.

For the OBTS, a valid date must be entered in the date of adversary preliminary hearing field for at least one charge and may be entered for each charge. The SRS software will count one adversary preliminary hearing per case.

- U Report only those hearings held before a circuit judge.

SPECIAL PROCEEDINGS

The following item is a common reporting mistake. Please check this item to ensure that the SRS report **does not** include the same reporting error.

- Y **DO NOT** report the number of non-adversary probable cause determinations (Rule 3.133 (a), Florida Rules of Criminal Procedure).