

# COUNTY CRIMINAL PROCEEDINGS

This section, County Criminal Proceedings, covers the reporting do's and don'ts that should be followed when completing the monthly County Criminal SRS forms. For ease of following the SRS forms, this section is divided into the major sections indicated on the forms. The county 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 (OBTS) guidelines are provided in the shaded boxes. For a detailed explanation regarding the computation of the SRS 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 a sworn complaint, notice to appear, information or indictment is filed. Report only those charging documents which are filed with the clerk's office during the reporting month.

**For the OBTS, the arrest date or the prosecutor filing date, whichever is earliest is used to calculate filings. Refer to the section entitled, OBTS, for a detailed description.**

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

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

- U If one defendant is named on multiple sworn complaints, notices to appear,

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informations or indictments which are filed on the same day, **then report only one filing.**

**For the OBTS, the SRS software will make this determination.**

- U Report each filing in the appropriate casetype category. On a multi-charge information, indictment, sworn complaint or notice to appear that is filed at the same time, report the most serious offense listed.

**For the OBTS, in the event of an attempt, do not report the attempt statute (Chapter 777) in the statute number field of any of the phases. Report the Florida Statute cite of the crime being attempted such as battery (784.03(2)), assault (784.011(2)), petit theft (812.014(2)(d)), etc.**

- U Report defendants transferred to the reporting court from another court or jurisdiction.

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

- U Report defendants charged with criminal contempt filed before or after a disposition.

- U Report non-criminal violations supported by Florida Statute. Examples are boating citations; violations of hunting, fishing and trapping licensure requirements; and violations of provisions regarding dangerous dogs.

**For the OBTS, these charges should contain an "I" in the level of charge field.**

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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** report non-criminal violations of local and county ordinances. If the case is filed due to non-payment of a fine and the defendant appears before the court, report the case in the appropriate casetype category. For example, parking tickets should be reported only if the defendant appears before the court.

**For the OBTS, non-criminal ordinance violations should contain an "I" in the level of charge field and reflect a statute number of all 8's for a county ordinance or all 9's for a municipal ordinance. If a non-payment occurs and the defendant appears in court, change the level of the charge code from "I" to "C" if reporting a county ordinance or from "I" to "M" if reporting a municipal ordinance.**

- Y **DO NOT** include defendants whose cases were previously reported as disposed and are now being resubmitted or reopened before the court. (See Defendants with Cases Reopened, page 8-13.)

**For the OBTS, cases 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.**

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### Number of Defendants Disposed

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

- 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 which 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
  - C defendants who are placed on deferred prosecution of other pretrial diversion or probation programs approved by the State Attorney.
- U Report each defendant for whom one or more criminal charges are disposed at the same time.

**For OBTS, the SRS software will make this determination.**

- U Report each defendant in the disposition category that uses the most judicial time. If multiple charges for one defendant are being disposed at the same time with the same type of disposition, then the defendant is reported in the casetype category of the most serious offense. The other charges are not reported for SRS.

**Note: The section entitled, Category Definitions, lists the disposition categories in order of judicial time expended.**

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

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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 dispositions of defendants whose cases were previously reported as disposed that have been resubmitted or reopened before the court (See Defendants with Cases Reopened, page 8-13.)

**For the OBTS, cases 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 Before Trial Dispositions

Please refer to the section of the SRS form which reports information associated with the number of before trial dispositions in the following categories: No File, Speedy Trial Rule Dismissals, Dismissed, Transferred, Plea (Guilty/Nolo Contendere), and Other. The following guidelines refer to the dispositions that 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 defendants disposed before a trial begins.

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

### *No Files*

- U Report, in the appropriate casetype category, the number of defendants against whom all counts in the criminal proceeding are dropped because the prosecutor did not obtain an indictment, file an information or pursue the initial complaint in any way.

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

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### *Speedy Trial Rule Dismissals*

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

### *Dismissed*

- U Report, in the appropriate casetype category, the 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 report the case as dismissed.**

- U Report the number of defendants for whom **all** counts are **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) 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 defendants against whom **all** charges are dropped because the prosecutor did not obtain or seek an indictment or information (no file). (See No

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File category, page 8-5.)

- Y **DO NOT** report defendants for whom all counts are dismissed because the time frames of the Speedy Trial Rule are not met. (See Speedy Trial Rule Dismissals, page 8-5.)
- Y **DO NOT** report defendants who are placed on deferred prosecution or other pretrial diversion or probation programs approved by the State Attorney. (See Other Manner of Disposition, page 8-7.)
- Y **DO NOT** report defendants who successfully complete a pretrial diversion program and a nolle prosequi is entered.

**For the OBTS, detailed instructions on reporting pretrial diversion dispositions can be found in the section entitled, OBTS.**

### *Transferred*

- U Report, in the appropriate casetype category, the number of defendants whose cases are transferred to another court or have a change in 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** before trial begins.

**For OBTS, use the court action taken code of G (adjudicated guilty) or K (adjudicated delinquent) and 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 is withheld after the defendant enters a **plea of guilty or nolo contendere** before trial begins.

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

### *Other*

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

- U Report defendants who are placed on deferred prosecution or other pretrial diversion or probation programs approved by the State Attorney.

**For the OBTS, detailed instructions on reporting pretrial diversion dispositions can be found in the section entitled, OBTS.**

- U Report 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 defendants whose cases are disposed upon the estreature 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 estreature).**

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

- Y **DO NOT** report defendants with extradition proceedings.

**For the OBTS, use the court action taken code of Z (extradition).**

## DISPOSITIONS

### Number of After Trial Non-Jury Dispositions

Please refer to the section of the SRS form which reports information associated with the number of after trial non-jury dispositions in the following categories: Acquitted/Dismissed, Plea (Guilty/Nolo), and 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 defendants **acquitted** on all counts.

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

- 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) or E (dismissed upon payment of restitution) or F (administratively dismissed) and the defendant's final plea code of 1 (not guilty).**

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- U Report defendants who were dismissed because the defendant is acquitted or is found not guilty subsequent to an insanity plea.

**For 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).**

### *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 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 defendants for whom adjudication is withheld after the judge entered 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).**

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### Number of After Trial by Jury Dispositions

Please refer to the section of the SRS form which reports information associated with the number of after trial by jury dispositions in the following categories: Acquitted/Dismissal, Plea (Guilty/Nolo), and 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.

#### *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 defendants for whom a nolle prosequi was entered on all counts after a jury trial begins.

**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** by the court.

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

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- U Report defendants who were dismissed because the defendant is acquitted or found not guilty by reason of insanity.

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

### *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 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 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).**

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### Number of Defendants with Reopened Cases

Please refer to the section of the SRS form which reports information associated with the number of reopened cases during the specific 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 motions and petitions filed subsequent to the disposition of the case that **may involve judicial action**.
- U Report 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).
- U Report 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 defendants with cases filed for judicial action after being placed on deferred prosecution or other pretrial probation programs approved by the State Attorney.
- U Report cases filed for judicial action after a defendant was declared mentally or physically unable to stand trial.

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

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 defendants with violations of probation or post conviction relief motions. These actions are reported on the special proceedings section of

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the report.

- Y **DO NOT** include motions to return property, motions to transport prisoners or motions to tax costs.
- Y When multiple motions/petitions are filed subsequent to the close of the case on the same day then report only one reopening. However, if multiple motions/petitions are filed subsequent to the close of the case on different days then report each occurrence.

**For the OBTS, instructions for instances where a defendant's case is reopened more than once during a reporting period is found in the section entitled, OBTS.**

## Number of Bond Hearings

- U Report the number of defendants whose pretrial release status is considered by a **county 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 the bond hearing field for at least one charge and may be entered for each charge. The SRS software will report one bond hearing per defendant.**

- U Report post conviction bond hearings.
- U Report only those hearings that are heard by a county 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. Only report one hearing per defendant.

## SPECIAL PROCEEDINGS

### 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 the adversary preliminary hearing field for at least one charge and may be entered for each charge. The SRS software will report one adversary preliminary hearing per defendant.**

- U Report only those hearings which are heard by a **county judge** for defendants charged with felonies.

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).

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

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

## **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 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.

### **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.

<p><b>For the OBTS, enter the date under the date charge reopened field and use the field for the reason the charge is reopened code of P (post conviction relief motions).</b></p>
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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.

- U **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.