

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY

ADMINISTRATIVE ORDER NO. 7.301-03/18

IN RE: FILING OF POSTCONVICTION MOTIONS

A uniform procedure should govern the assignment of postconviction motions.

NOW, THEREFORE, pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215, it is **ORDERED** as follows:

1. Upon the filing of any postconviction motion, the Clerk and Comptroller's Office shall reopen the criminal case file and assign the postconviction motion to the division that handled the substantive criminal case.
2. All postconviction motions filed with the Clerk and Comptroller's office shall be docketed with a "POST" designator.
3. **When a postconviction motion referencing Florida Rule of Criminal Procedure 3.850 or titled "Motion for Postconviction Relief" or a variation thereof is filed, the Clerk and Comptroller shall notify the office of General Counsel, Administrative Office of the Court of the filing by sending a copy to CAD-CriminalDep@pbcgov.org. The Office of General Counsel will review the filing for timeliness and oath and, upon completion of the review, will forward the motion to the divisional judge.**
4. **When a postconviction motion other than a 3.850 is filed,¹ the Clerk and Comptroller shall notify the divisional judge of the postconviction motion.**
5. A **filing** that is deemed to be a **petition for an extraordinary writ** shall be transferred to the circuit civil division and given a civil case number. A circuit civil judge will handle the **filing** in accordance with Administrative Order 7.201.
6. When a State's response is required, the State Attorney's Office shall also email an electronic

¹ **This includes but is not limited to: motions to withdraw a plea, motions to correct illegal sentence, motions to correct jail credit, motions based upon newly discovered evidence, motions for DNA testing, and any motions referencing Florida Rules of Criminal Procedure 3.170, 3.800, 3.801, 3.851, and 3.853.**

copy of the response to pcmotions@pbcgov.org in **Microsoft Word format or in an editable PDF.**

7. When the Office of the State Attorney files a motion seeking an extension of time to a trial court's order directing the State to respond to a motion for postconviction relief, the State shall include the following information which information shall be bolded:
- a. Date postconviction motion was filed;
 - b. Date(s) of prior requests for extension(s) of time to file response;
 - c. Amount of additional time granted for each request for extension of time;
 - d. Detailed reason why the additional time is needed.

29 **DONE AND SIGNED** in Chambers at West Palm Beach, Palm Beach County, Florida this day of March 2018.

A handwritten signature in black ink that reads "Krista Marx". The signature is written in a cursive style and is positioned above a horizontal line.

Krista Marx
Chief Judge

* supersedes admin. order 7.301-12/10