

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER NO. 92-47

IN RE: THE MATTER OF THE
SUMMONING OF JURY PANELS
FOR TRIALS IN MIAMI, FLORIDA

On Monday, August 31, 1992, at a special meeting of a majority of the Judges of the Southern District of Florida, the disruption of court functions in Miami, occasioned by the aftermath of Hurricane Andrew, was discussed and assessed. Reports from all agencies of the Court regarding the effect of the state of emergency existing in Dade County, Florida, were received and evaluated. Thereafter, upon motion made and unanimously carried, the judges present voted, sua sponte, to suspend the summoning of jury panels in the Miami division of this Court until Tuesday, September 15, 1992. Realizing that this would obviously impact upon the criminal trial calendar of the Court in Miami, a majority of the judges present also voted for purposes of the Speedy Trial Act to exclude from the computation of time, within which trial must commence, the period from August 24, 1992, to and including September 14, 1992. See 18 U.S.C. § 3161 et seq.

ACCORDINGLY, it is thereupon,

ORDERED AND ADJUDGED, as follows:

1. The summoning of jury panels for trials to be conducted at the Miami Division of the Southern District of Florida be and the same is hereby suspended until Tuesday, September 15, 1992.

2. The period of delay - that is, August 24, 1992, to and

including September 14, 1992 - shall be excluded from the computation of time within which trial commenced, based upon the following findings:

(a) The court takes judicial notice that a state of emergency exists in Dade County, Florida, by reason of the mass destruction and interruption of public utilities, transportation, telephone and mail service caused by Hurricane Andrew on August 24, 1992. Such destruction also required the evacuation of all prisoners, whether defendants or witnesses, from M.C.C. - Miami, the primary Federal detention facility in the District;

(b) The ends of justice served by suspending jury trials, during this period, and the continuances occasioned thereby, outweigh the interest of the respective defendants and the public in a speedy trial;

(c) Incarcerated defendants and essential witnesses are unavailable within the meaning of the Speedy Trial Act and their potential availability cannot reasonably be assessed absent this reasonable period of delay;

(d) The Clerk of Court has advised that an additional period of time is required in order to summon jury panels properly from an appropriate cross-section of this community;

(e) Because of all the attendant circumstances presently existent in Dade County, Florida, it is the finding of this court that failure to take this action would necessarily result in a miscarriage of justice.

It is further,

ORDERED AND ADJUDGED that the Clerk of the Court is directed to file a copy of this Order in each criminal case on the Court's docket for trial in the Miami Division of the Southern District of Florida.

It is further,

ORDERED AND ADJUDGED that the United States Attorney is directed to mail, forthwith, a copy of this Order to defense counsel in each criminal case affected hereby.

DONE AND ORDERED in chambers at the United States Federal Building and Courthouse, 299 East Broward Boulevard, Ft. Lauderdale, Florida this 1st day of September, 1992.



NORMAN C. ROETTGER
CHIEF UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF FLORIDA

cc: All Southern District Judges and Magistrate Judges
Keenan G. Casady, District Court Executive
T. G. Cheleotis, Clerk of Court
Roberto Martinez, United States Attorney
James R. Gailey, Federal Public Defender