




ADMINISTRATIVE OFFICE OF THE COURTS
INTER-OFFICE

MEMO 2013-75

TO: Honorable Carolyn Timmann
Honorable Sharon Robertson
Honorable Joseph E. Smith
Honorable J.R. Smith

FROM: Marc Traum, Chief Deputy Court Administrator 

DATE: December 27, 2013

RE: **Administrative Order 2013-17 VETERANS' TREATMENT COURT – COUNTY COURT**

Attached please find an original **Administrative Order 2013-17** for filing with the Court.

If you have any questions regarding the above, please do not hesitate to contact me.

TG/js
Attachment

cc w/attach: All Judges in the Nineteenth Judicial Circuit
All Magistrates and Hearing Officers in the Nineteenth Judicial Circuit
All Staff Attorneys in the Nineteenth Judicial Circuit
Honorable Bruce Colton, State Attorney's Office
Honorable Diamond Litty, Public Defender's Office
All County Attorneys in the Nineteenth Judicial Circuit
All Local Law Libraries
All Local Bar Presidents
IT

**IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT IN AND FOR
INDIAN RIVER, MARTIN, OKEECHOBEE AND ST. LUCIE COUNTIES**

ADMINISTRATIVE ORDER: 2013-17

RE: VETERANS' TREATMENT COURT – COUNTY COURT

WHEREAS section 394.47891, Florida Statutes, provides authority for the establishment of military and service members court programs; and

WHEREAS, the purpose of Veterans' Treatment Court is to reduce recidivism by emphasizing treatment and rehabilitation as an alternative to incarcerations, while also requiring offender accountability and increasing public safety;

THEREFORE, pursuant to the authority vested in me as Chief Judge of the Nineteenth Judicial Circuit of Florida under Rule 2.215, Rules of Judicial Administration, it is hereby ORDERED as follows:

1. A Veterans' Treatment Court shall be operational within the Nineteenth Judicial Circuit County Criminal Division to hear cases involving defendants who are identified as a veteran, as defined in §1.01 Fla. Stat., or service member, as defined in §250.01 Fla. Stat., who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem who are eligible for services through Veterans Administration and who have been charged with misdemeanor offenses. Court approval will be considered upon motion of either party or the court's own motion. Veterans' Treatment Court may also hear cases in which a defendant is charged with a violation of county court probation for a non-driving under the influence offense with the consent of the county court judge of the criminal division to which the case is assigned.
2. Referrals to the program may be made by any court, Department of Corrections, law enforcement, State Attorney, defense attorney, Veteran organization, mental health or substance abuse provider, or any other interested party. Admittance requires verification by the Veterans Administration that the defendant is entitled to receive services.
3. Upon confirmation from the Veterans Administration that the defendant is entitled to receive veteran services for treatment, evaluation, or placement related to a behavioral health issue, the County Court shall enter an order transferring the case to Veterans'

Treatment Court and directing the clerk to place the case or cases on the Misdemeanor Veterans' Treatment Court docket.

4. There shall be three types of cases within Veterans' Treatment Court:

a. Pretrial Diversion: A defendant is eligible for a pretrial intervention program if he/she meets requirements of §948.16 Fla. Stat. Once the defendant has been deemed eligible for Veterans Administration services, he/she shall enter a plea of guilty or no contest and the sentencing shall be set off. The defendant and Veterans Treatment Court Judge shall sign the Veterans' Treatment Court agreement and the defendant shall be released on their own recognizance with the condition that he/she complies with the agreement. Upon successful completion of the Veterans' Treatment Court the plea will be withdrawn and the charges dismissed.


b. Post-Adjudication: If the defendant is not eligible for pretrial diversion, he/she may be ordered by the County Criminal Judge to complete Veterans' Treatment Court as a special condition of probation pursuant to §948.21 Fla. Stat.

c. Condition of ROR on pending Violation of Probation: If a defendant has a pending violation of probation, he/she may be released on his/her own recognizance by any judge with the condition that he/she participates in Veterans' Treatment Court. An admission shall be entered, and upon completion of the program, the admission is withdrawn and the violation of probation shall be dismissed.

5. Defendants accepted into the program will attend court hearings as ordered by the Veterans' Treatment Court Judge. The defendant shall participate in ongoing assessments, treatment and discharge planning.

6. The Defendant shall participate in Veterans' Treatment Court until successful completion of discharge planning, with the minimum being six months.

DONE AND ORDERED in quadruplicate in Chambers at Stuart, Martin County, Florida on this 23rd day of December, 2013.



Steven J. Levin, Chief Judge
Nineteenth Judicial Circuit