

OFFICE OF
FRANCIS J. ALLMAN
CHIEF JUDGE
SECOND JUDICIAL CIRCUIT

KELLY PORRITT
JUDICIAL ASSISTANT
PHONE: (850) 606-4305



LEON COUNTY COURTHOUSE
301 S. MONROE STREET
TALLAHASSEE, FL 32301

June 27, 2025

The Honorable Carlos G. Muñiz
Chief Justice
Florida Supreme Court
500 South Duval Street
Tallahassee, Florida 32399

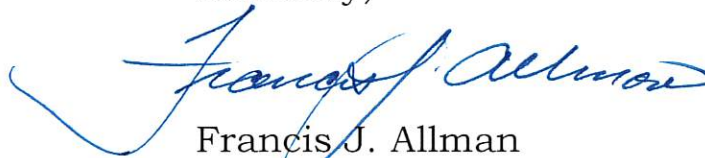
Dear Chief Justice Muñiz,

Pursuant to Rule 2.215(i) of the Florida Rules of General Practice and Judicial Administration, and in my role as Chief Judge of Florida's Second Judicial Circuit, I am reporting "Neglect of Duty" on the part of the Leon County Clerk of the Circuit Court & Comptroller's Office (Clerk's Office).

Attached is a copy of a letter I have directed to the Clerk's attention on this matter. The letter outlines many of the issues constituting neglect of duty by the Clerk's Office. These issues are serious, persistent and are materially affecting the prompt and efficient administration of justice in the circuit.

I respectfully request you review the attached letter and take any action you deem appropriate.

Sincerely,



Francis J. Allman
Chief Judge

Attachment

OFFICE OF
FRANCIS J. ALLMAN
CHIEF JUDGE
SECOND JUDICIAL CIRCUIT

KELLY PORRITT
JUDICIAL ASSISTANT
PHONE: (850) 606-4305



LEON COUNTY COURTHOUSE
301 S. MONROE STREET
TALLAHASSEE, FL 32301

June 27, 2025

The Honorable Gwen Marshall
Leon County Courthouse
301 S. Monroe Street, Suite 100
Tallahassee, Florida 32301

Dear Clerk Marshall:

This letter is written pursuant to Rule 2.215(i) of the Florida Rules of General Practice and Judicial Administration (the "Rule"), which requires the Chief Judge to report neglect of duty to the Chief Justice of the Florida Supreme Court, who may report the matter to the Office of the Governor.

I have received numerous and ongoing complaints regarding the performance of the Leon County Clerk of the Circuit Court & Comptroller's Office (Clerk's Office). These complaints come from an array of judicial stakeholders, including the Public Defender's Office, the Office of the State Attorney, the Office of Intervention and Detention Alternatives (IDA), private attorneys, members of the media, court administration staff, and judges. I understand that many of these issues have been brought to your attention directly, or to the attention of your senior staff, by way of meetings, conversations, and at times through email correspondence.

In addition, you will recall that you and I met on March 3, 2025, to discuss some of these issues. At that time, I stressed the need for improvement within your office. While there may have been minimal progress in isolated areas, overall, there has not been substantial or sustained improvement, raising serious concerns about the capacity of the Clerk's Office to fulfill its essential duties. In fact, since our discussion in March, I have received and continue to receive additional complaints. In looking at the complaints, I see a pattern of excessive delays and ongoing filing

and docketing errors resulting in inaccurate court records, with the potential to cause significant due process and/or safety issues.

Consequently, I am formally notifying you and the Chief Justice of these ongoing issues, and I am requesting that the Chief Justice take any action he deems appropriate under the Rule.

What follows is a summary of the ongoing issues and complaints that have led me to take this action.

1. **Incorrect Docket Entry Resulting in Unlawful Arrest.** In case 24CF2794 (*State v. Shametrica Alford*), the courtroom deputy clerk erroneously recorded in the court record that the judge had issued a no-bond *capias* due to the Defendant's failure to appear in court, when in fact the judge did not issue such a *capias*. What actually occurred was the Defendant's attorney informed the judge that her presence was excused because the case was being transferred to the Felony Drug Court program. As a result, the matter was simply reset for a routine case management conference. Due to the deputy clerk's error, however, the Defendant was arrested at her home, transported to the jail, and held in custody for several hours—without judicial authorization—until the first appearance judge identified the error and ordered her immediate release.
2. **Failure to Docket Warrant Resulting Unlawful Release.** In case 22CF3531 (*State v. Takira Watson*), a judge signed a warrant on February 5, 2025, for a violation of probation and ordered that the Defendant be held without bond. However, the deputy clerk failed to enter the no-bond warrant into the system. As a result, when the Defendant appeared for first appearance on March 18, 2025—more than a month later—there was no record of the previously issued warrant. Unaware of its existence, the first appearance judge set bond at \$2,500. The Defendant should have been held without bond pursuant to the judge's February 5, 2025, warrant; however, due to the deputy clerk's failure to enter the warrant, the Defendant posted bond and was released, when she should have remained in custody pending further action by the assigned judge.

3. **Failure to Seal Court Filing.** In one high-profile criminal case, sensitive case information ordered sealed by the presiding judge was erroneously made publicly accessible by your staff. On the same day the sealed filing was made public, several individuals accessed the information and shared it on YouTube. As you know, the unauthorized release of sealed information in a criminal case has the potential to cause a multitude of legal issues. When the issue was brought to your office's attention, the presiding judge was advised that your senior staff would begin reviewing all sealed filings to prevent future errors. Despite this assurance, not long thereafter, additional information—in the same high-profile case—was ordered redacted by the presiding judge and again was erroneously made publicly accessible by your staff.
4. **Failure to Allow Access to Case Records.** Conversely, documents that should be publicly available have been improperly restricted by your staff. Members of the private bar have reported being unable to access routine arrest reports, hindering their ability to advise clients, potential clients, and their families. This has resulted in avoidable and unjust delays in representation for criminal defendants, some of whom are in custody. Additionally, Court Administration continues to receive frequent inquiries from media outlets regarding case documents or case status because records that should be available to the public have been made inaccessible by your staff.
5. **Inability to Comply with Judicial Assignment Orders.** The Judicial Assignment Administrative Order is not being followed as it relates to how the Clerk's Office assigns new filings to the various judges within court divisions. Despite this issue being repeatedly brought to the attention of you and your staff, compliance remains inconsistent—particularly in how reopened cases are distributed to the judges in the Civil Division.

In the Family Division, this issue became so disruptive and persistent that I amended the Administrative Order, modifying the Family Division's judicial assignments in an effort to mitigate your staff's failure to follow it. On several occasions, senior staff advised the Court that the errors were caused by a

computer algorithm that no one in your office knew how to correct. Therefore, we continue to operate with inaccuracies in how cases are assigned.

6. **Significant Delays and Errors in Docketing.** There are significant and ongoing delays in docketing case filings. There are also frequent and substantial filing errors, in addition to the cases discussed in paragraphs 1 and 2 above (*State v. Shametrice Alford* and *State v. Takira Watson*). It is not uncommon for documents to remain undocketed by your office for seven to ten days from the date they were filed. These delays negatively affect all divisions, hinder preparation for court proceedings, and result in wasted judicial time and court inefficiencies. Judges are often forced to conduct hearings without access to complete or current case files. In some instances, an attorney may reference a document filed a week prior to the court event, but because it has not yet been docketed by your staff, the judge is unable to view it. While I have seen the docketing delays across all divisions, those in our criminal division are of particular concern.

In one recent case, a notice of intent to seek the death penalty was filed but was not entered by your staff for more than a week. In another instance, the State and defense counsel obtained a court order authorizing a defendant to surrender at the jail and immediately post bond. However, the order was not timely docketed in the case, leading to confusion at the jail and requiring intervention from the judge's office to resolve the matter.

In a Jimmy Ryce case, a sexual predator was scheduled for imminent release. Although the State filed the necessary paperwork and a judge signed an order for continued detention, the order was not entered for more than a week. Had the defendant been released during that time, it would have directly violated the court's order as well as posed a public safety risk.

In yet another case, both the plea form and the Judgment and Sentence clearly reflected that the defendant pled to an amended charge, yet the Clerk's records continued to show the original charge.

Complaints regarding these issues have been raised by attorneys, pretrial services, judges, and even members of the media. These judicial stakeholders are reporting to me that, despite repeatedly bringing these concerns to your attention, and to the attention of your staff, little to no improvement has been observed.

7. **Failure to Timely Enter or Clear Arrest Warrants.** Arrest warrants are not being entered or cleared in a timely manner. As a result, law enforcement officers may encounter individuals with active arrest warrants without being aware of them because the warrants have not yet been entered into the system by your staff. In many cases, the individual may be aware of the likely existence of a warrant, placing the officer at a significant disadvantage and creating a potential safety risk for the officer and for members of the public.

Similarly, once a warrant is served, your staff is not consistently removing them from the system, which may result in an individual being mistakenly arrested multiple times on the same warrant.

8. **Incorrect Docketing of Competency Evaluation Orders.** When a judge orders competency evaluations in open court, deputy clerks have repeatedly failed to enter the order into the system or have used incorrect docket codes, causing a significant delay in the appointment of a doctor to examine the defendant. This results in the unnecessary delay of criminal cases. Also, defendants who are incarcerated but should be hospitalized are denied needed treatment or competency training.
9. **Failure to Note Orders for Transport.** When a judge orders the transport of inmates for court proceedings—such as a plea or an evidentiary hearing—there are many instances where your staff has failed to properly record the judge's order. Without the correct notation, the jail is unaware that the inmate's appearance is required, and transport does not occur as ordered by the judge. This results in delays, either requiring the inmate to be transported at the last minute or forcing the proceeding to be rescheduled entirely,

creating an unnecessary and avoidable inconvenience for the attorneys, witnesses, judicial staff, and the Court.

10. **Delayed Processing of Release Orders.** Orders granting the release of individuals from custody whether following a plea in open court, a plea in absentia, or a case dismissal—are not being processed in a timely manner by your staff. As a result, dozens of inmates have reportedly remained incarcerated beyond the term of their agreed-upon sentence or in violation of a court order.

Similarly, prison packets are not being completed in a timely manner, causing sentenced defendants to remain in the Leon County Jail for extended periods—often several weeks or sometimes for more than a month—before they can be transferred to the Department of Corrections.

Further, bond amounts and pretrial release conditions ordered by judges during first appearance hearings are frequently entered inaccurately or are not promptly updated in the system by the deputy clerk, leading to confusion at the jail and within the IDA. As a result, individuals remain in custody for hours after a bond has been set by the judge, causing unnecessary delays in their release. Additionally, I authorized court staff to provide the IDA with video recordings of court proceedings when requested to resolve discrepancies between what was actually ordered by the judge and what was erroneously recorded in the official court file by clerk staff.

These instances result in delays in case processing, unnecessary incarceration, place an added burden on the jail, and result in avoidable costs to the taxpayers of Leon County.

11. **Delays on Payment to Conflict Counsel.** As you are aware, attorneys on the criminal conflict list cannot receive compensation for their work until they submit their invoice, along with a copy of the Judgment and Sentence, to the Justice Administrative Commission. Unfortunately, your staff has not been filing these documents in a timely manner. Several attorneys have expressed serious concerns about this delay and have indicated they are considering

withdrawing from the conflict list due to prolonged delays in payment, which they attribute directly to the Clerk's Office. The effective administration of justice for indigent defendants depends on the availability of qualified conflict counsel, and continued delays risk undermining this essential service.

12. **Delay in Processing of Probation Orders.** There are significant delays in the Clerk's Office processing probation orders, leaving defendants unsupervised and at risk of technical violations due to their inability to report and comply with probation orders in a timely manner.

Each of the errors and delays I have detailed in this letter fall within your duties as Clerk. These duties include maintaining the record of the court, maintaining dockets, keeping minutes of court proceedings, receiving filings from the public, attorneys, court staff, and judicial officers, maintaining all paper and electronic filings in the clerk's office with the utmost care and security, implementing an electronic filing process, and complying with orders and directives of the Chief Judge as stated in the Rule.¹

While some of the mistakes and delays outlined above have been addressed after the fact, many of them are ongoing. In the aggregate, they demonstrate a systemic failure to perform core responsibilities of the Clerk's Office—issues that may carry serious due process implications. I am aware that our judges, court staff, and justice partners have worked collaboratively with the Clerk's Office to address these concerns, yet meaningful and consistent improvement is not occurring.


As Chief Judge, I am charged by the Florida Constitution, section 43.26, Florida Statutes, and Rule 2.215 of the Florida Rules of General Practice and Judicial Administration with the authority and responsibility to promote the prompt and efficient administration of justice within the Second Judicial Circuit. As the Clerk of Court and Comptroller, you are charged with managing the performance of court-related services in a method or manner that is consistent with statute, rule, or administrative order and in a manner which gives confidence in the integrity of the court's record.

¹ The relevant statutory duties of the clerk can be found in Chapter 28, Florida Statutes.

I respectfully recognize your status as an independently elected Constitutional officer, and I do not seek to direct the internal management of your office. However, under Rule 2.215(i), I am required to report neglect of duty to the Chief Justice. As recently defined by the Florida Supreme Court, "Neglect of Duty" means "neglect or failure on the part of a public officer to do and perform some duty or duties laid upon him...by law." *See Worrell v. DeSantis*, 386 So.3d 867, 870 (Fla. 2024).

The continuing deficiencies within the Leon County Clerk's Office and the failure to perform statutorily mandated duties constitute a neglect of duty and are now materially affecting the prompt and efficient administration of justice in this circuit. Accordingly, I am formally referring this matter to the Chief Justice of the Florida Supreme Court for his review and any action he deems appropriate.

Sincerely,



Francis J. Allman
Chief Judge