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"Mindless conviction mills": Duval County's J-1 courtroom in action.

## Three-Minute Justice

A study of Florida's fast-moving misdemeanor courts finds "haste and waste" in lieu of justice

Twice a day, 365 days a year, a county judge wades through a docket of cases for the roughly 150 men and women charged daily with crimes ranging from petty theft to domestic violence to DUI to prostitution. The defendants are typically herded into Courtroom J-1 on the ground floor of the hulking Duval County Pretrial Detention Center in downtown Jacksonville, chains clanking and heads throbbing after a night behind bars.

Duval County Courtroom J-1 has been likened to an assembly line, a conveyor belt and a cattle call, where about 55,000 people a year make their initial court appearances after being charged with a misdemeanor crime. But a recent study of misdemeanor courts in 21 Florida counties found "disturbing evidence that efficiency commonly trumps due process." "For many of nearly a half-million individuals who pass through Florida's misdemeanor courts each year, due process is illusory," the study's authors write. "Florida's county courts are consistently sacrificing due process for case-processing speed."

Former Chief Justice Gerald Kogan, who served on the state Supreme Court from 1987 to 1998 and who wrote the report's foreword, goes further, criticizing "the wasteful and harmful practices" of misdemeanor courts that have "turned our misdemeanor courts into mindless conviction mills."

Although the University of Tampa study didn't include statistics from the 4th Judicial District (Duval, Clay and Nassau counties), local defense attorneys echo the problems cited in the report.

"It's like a triage — a very understaffed triage," says Nassau County defense attorney Teresa Sopp, comparing first appearance court to a busy ER. "But there is no time for treatment, just sorting."

The report, "Three Minute Justice: Haste and Waste in Florida's Misdemeanor Court," was conducted by two University of Tampa professors, Alisha Smith and Sean Maddan, who along with their students attended 1,649 arraignments over an eight-month period. They determined that the average arraignment lasted less than three minutes.

This need for speed is understandable

when you examine the statistics: About half-a-million people a year pass through Florida's misdemeanor courts. But the pressure to move quickly often yields snap decisions by defendants. The report found that many enter pleas of guilty or no contest, with little or no legal representation. Most are unaware of the collateral consequences of their pleas.

Unfortunately, hasty decisions made without a lawyer can lead to all kinds of unintended consequences, including the loss of one's driver's license or, in the case of undocumented

immigrants, deportation. Former Chief Justice Kogan noted as much, observing that "even a minor criminal conviction can change the course of a defendant's life ... affecting employment opportunities, the ability to adopt a child, and legal residency and citizenship goals, to name just a few."

the report's recommendations are adopted, including providing legal counsel to all misdemeanor defendants, creating a citizens board to oversee county courts and persuading judges to spend more time helping defendants understand their rights.

"We can collectively improve the process," Lockett says.

There have been signs of progress in some districts. The State Attorney's Office in Broward County instituted a comprehensive pretrial diversion program for many

**Hasty pleas can have all kinds of unintended consequences, affecting employment opportunities, the ability to adopt a child, even legal residency. Says attorney Teresa Sopp, "Anything that could have consequences for the future should not be worked out in first appearance court."**

"Anything that could have consequences for the future should not be worked out in first appearance court," says Sopp.

Both Sopp and Jacksonville defense attorney Lee Lockett say they frequently encounter people who've entered a plea at first appearance court who then come to them, trying to change their plea because they weren't aware of the implications of their actions; they simply wanted to get out of jail. Criminal defense attorneys also contend there is pressure from judges to encourage people to enter pleas, suggesting they might languish in jail if they don't.

The local chapter of the Florida Association of Criminal Defense Lawyers hopes the report opens a dialogue among defense attorneys, prosecutors, public defenders and judges to look for ways to improve the misdemeanor court system. They also hope that some of

immigrants, deportation. Former Chief Justice Kogan noted as much, observing that "even a minor criminal conviction can change the course of a defendant's life ... affecting employment opportunities, the ability to adopt a child, and legal residency and citizenship goals, to name just a few."

Such programs relieve the strain on the courts, reduce police officer overtime and allow prosecutors to devote more resources to more serious criminal matters," noted Kogan in the report, adding that they benefit the people of Florida "fiscally, socially and, in many cases, personally."

The study's authors said they are hopeful that some of their recommendations can be implemented around the state, but expressed some doubts, given the political realities.

"I would like to see more due process in county courts," Smith says. "It appears that some think that due process doesn't matter in county courts."

Read the study at <http://bit.ly/nXCU1Z> □

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