

**EXHIBIT "A"**

BEFORE THE INVESTIGATIVE PANEL OF THE  
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION  
STATE OF FLORIDA

INQUIRY CONCERNING A  
JUDGE, NO: 05-437

SC 06-2119

**AFFIDAVIT**

STATE OF FLORIDA  
COUNTY OF SAINT LUCIE

BEFORE ME, the undersigned authority personally appeared CLIFFORD H. BARNES, who first being duly sworn, deposes and says that based on his personal knowledge:

1. I am an elected county judge in Saint Lucie County, Florida.
2. I have personal knowledge of the facts herein.
3. That on or about July \_\_\_\_, 2006, I filed a Petition For Writ Of Mandamus in the Fourth District Court of Appeals of Florida.
4. That I am the sole petitioner, acting in my own behalf, in filing the said Petition For Writ Of Mandamus.
5. In terms of the practice of law, I did not and do not represent any person or class of persons, including third parties, in connection with the Petition For Writ Of Mandamus. I have not entered an appearance for any person or persons nor have I entered an agreement, contract, or understanding to represent any person or any class of persons in connection with the Petition For Writ Of Mandamus. I have not accepted nor waived a fee to represent any person or persons in connection with the Petition For Writ Of Mandamus. No persons have delegated authority to me to act for them in connection with the Petition For Writ Of Mandamus.
6. In filing the Petition For Writ Of Mandamus, I was acting solely on my own behalf in enforcing existing laws, rules, and appellate rulings in my jurisdiction.

FURTHER AFFIANT SAYETH NAUGHT.

\_\_\_\_\_  
**CLIFFORD H. BARNES**  
ST. LUCIE COUNTY JUDGE

SWORN TO AND SUBSCRIBED before me on this the \_\_\_\_ day of September, 2007. The Affiant is \_\_\_\_ personally known to me OR produced identification. Type of identification produced \_\_\_\_\_.

NOTARY PUBLIC  
State of Florida

Printed Name of Notary  
My Commission Expires:

# EXHIBIT “B”

**IN THE NINETEENTH JUDICIAL CIRCUIT COURT  
FOR SAINT LUCIE COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER 06-01**

**PRETRIAL GLOBAL POSITIONING SYSTEM (“GPS”) PROGRAM**

**WHEREAS** members of the Public Safety Coordinating Council along with the criminal justice community recognize that the proper detention of certain person is a matter of great public concern and community safety; and

**WHEREAS** the courts of Saint Lucie County seek to help with the overpopulated jail without compromising the safety of the community; and

**WHEREAS** Sentencing Alternatives, Inc., a private contractor, will implement and provide Global Positioning Satellite (GPS) monitoring for pre-trial defendants. The primary responsibility of Sentencing Alternatives, Inc. interviewing staff is to provide complete, accurate, non-adversarial information to the courts allowing for an informed decision regarding the offender’s suitability for release into the community, pending final disposition of charges. Staff will arrive at the jail facility each morning obtaining the magistrate docket and probable cause arrest affidavits from the classification officer on duty. Utilizing the Clerk of the Court Computer system and Jail Management System, staff will obtain the current case number and the court division. Notations will be recorded regarding prior arrests, aliases, warrants, immigration holds and open charges. Additionally, staff will review the NCIC/FCIC Teletype for criminal inquiry.

**WHEREAS** the court has the authority under section 907.041, Florida Statutes, to release an arrested person on GPS if the facts and circumstances warrant such a release; and

**WHEREAS** Sentencing Alternatives, Inc., is hereby authorized, pursuant to Florida Rule of Judicial Administration 2.050(b)(8), to administer the pre-trial release actions described in this administrative order; and

**WHEREAS** the acts of the Sentencing Alternatives, Inc. pursuant to this administrative order are the acts of this court; it is therefore **ORDERED:**

**1. Pretrial Global Positioning System (“GPS”) Program**

Sentencing Alternatives, Inc., has developed and will operate a Pretrial Program utilizing an active Global Positioning System (GPS).

**2. Eligibility for Sentencing Alternatives, Inc., use of Pretrial GPS**

Sentencing Alternatives, inc., may place pretrial detainees held in the St. Lucie County Jail System, with Eligibility for Pretrial Release utilizing the following criteria:

Defendants charged with the following “dangerous crime” or having a prior conviction for a “dangerous crime” as defined in F.S. 907.041; shall not be considered for release recommendation. F.S. 907.041(b) is stated as follows: “No person charged with a dangerous crime shall be granted non-monetary pretrial release at a first appearance hearing; however, the court shall retain the discretion to release an accused on electronic monitoring or on recognizance bond if the findings on the record of facts and circumstances warrant such a release.”

Aggravated assault

Aggravated battery

Illegal use of explosives

Child abuse or aggravated child abuse

Abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult

Aircraft Piracy

Kidnapping

Homicide

Manslaughter

Sexual Battery

Robbery

Carjacking

Lewd, lascivious, or indecent assault or act upon or in presence of a child under the age of 16 years

Sexual activity with a child, who is 12 years of age or older but less than 18 years of age, by or at solicitation of person in familial or custodial authority

Burglary of a dwelling

Stalking and aggravated stalking

Act of domestic violence as defined in F.S. 741.28

Home invasion robbery

Act of terrorism as defined in F.S. 775.30

Attempting or conspiring to commit any such crime

Persons Charged with the following crimes shall not be considered for release recommendation:

Battery on a Law Enforcement Officer

Corruption by threat of a Public Servant or Official

Possession of a weapon during the commission of a Felony, trespass/property armed; use or display firearms during a felony

False report, planning bomb

Escape

Grand Theft of a firearm

Sell/Man/Del controlled substance within 1000 feet:

Of a church

Of a convenience store

Of a child care facility

Of a public/private elementary/secondary school between the hours of 6:00am and 12:00am  
Within 200 feet

Of public housing facility

Of public/private college, university/post secondary educational institution

Of a public park

Deprive Officer of means of protection and or communication

Battery on Detention Staff

Battery (Felony)  
Violation of Writ of Bodily Attachment  
Failure to register as a Sexual Offender  
Drug Trafficking over 28 grams

Persons with a “criminal record”, defined as any ONE of the following shall be precluded from release recommendation:

Three (3) or more felony case convictions within the past five (5) years calculated from the date of the conviction to the date of the instant offense. Multiple charges must be similar in nature if counts are excessive.

Conviction for one (1) or more statutorily defined “dangerous crimes” or an equivalent crime in another jurisdiction

Conviction for a crime punishable by a death sentence or life imprisonment

Previously declared as a habitual offender, habitual violent offender or career criminal or comparable status in another state,

Previously failed to appear two (3) or more times in the past (10) years for either a felony or misdemeanor charge.

Two or more prior DUI convictions within their lifetime (when current charge is DUI) Years are calculated from date of conviction to the date of instant offense.

Currently under probation, parole, or other post prison release supervision.

Released from State or Federal Prison within the past six (6) months, calculated from the date of release to the date of arrest for the instant offense.

Defendants who are unable to establish permanent residency in the quad-county area for at least three (3) consecutive months.

Defendants who are unable to provide references or contacts regarding his/her status and or community ties which the agency or company can certify.

Staff will then ensure fingerprint clearance has been documented within the system before conducting a personal interview with eligible defendants. Following the interview process, verification of information such as residency and employment will be conducted.

Sentencing Alternatives staff will then attend Magistrate Court providing information to the Court regarding recommendations for release, bond reductions, and GPS Tracking. Following the conclusion of Court proceedings, staff will coordinate with the Clerk of the Court, orders of release

to be submitted to designated Sheriff's Office staff.

### **3. Case Management**

Sentencing Alternatives Staff will be charged with the responsibility of conducting case management services. We will provide adequate staff to ensure delivery of services consistent with the needs of the offender. Delivery of case management services will address the following components.

Staff will meet with the defendant upon release instructing him/her on the conditions of release, ensuring a thorough understanding of same. During the interview process, it will be determined if the defendant may benefit from self-betterment programs such as substance abuse or mental health treatment, employment re-training and transportation needs.

Clear and accurate case notations will be maintained and recorded for all personal and telephonic contacts. A query of the Clerk of the Court computer system will be conducted twice a week for new arrests and arraignment dates. Offenders will be notified prior to all upcoming court dates and will be required to report to the community supervision office thirty (30) minutes prior to hearings.

Staff will conduct urinalysis testing for defendants as directed by the court and conduct random breath analysis for the presence of alcohol. Alcohol testing may be conducted in field locations.

Staff will retrieve all court ordered telephone check-ins on a daily basis recording same in case notations. Additionally, staff will conduct personal interviews with defendants on a weekly basis as ordered by the court.

All new violations of law and noncompliance with program conditions will be reported to the court via a written affidavit and request for warrant. Staff will process all pertinent paperwork with the Clerk of the Court and Sheriff's Office. Attendance in court proceedings is mandatory for all revocation hearings by Sentencing Alternatives staff.

All program participants will be notified in writing of their termination from the program with the status of their case. Staff will maintain a daily log to be used in the computation of monthly statistics, which will be provided to the Sheriff's Office and County Project Manager, and Courts.

All program participants will be sent a text message one day prior to all scheduled court hearings. Additionally, participants will be notified via the Nextel "Direct Connect" walkie-talkie feature.

### **4. Court Order**

Any judicial decision to grant Pretrial GPS through Sentencing Alternatives, Inc., must be reflected in a written order.

### **5. Costs**

Pretrial GPS provided through Sentencing Alternatives, Inc., shall not charge a fee to the

defendants for participation in the program. Each participant shall be liable for the replacement cost of any equipment damaged while in that participant's possession.

**6. Contract Terms**

Sentencing Alternatives, Inc., shall have the participant sign an agreement with the terms as set forth in the a contract with Sentencing Alternatives, Inc., Such contact shall describe the terms and conditions for continued participation in the program.

**7. Violation of Contract**

Violation of any term or condition of the contract shall result in termination from the program and in the detainee being returned to the secure custody of the jail until such time as the court directs otherwise. If Sentencing Alternatives, Inc. determines that a person has violated the terms of the contact or is otherwise a risk to the community, any law enforcement agency is authorized to immediately return such offender to the secure custody of the jail without having to obtain warrants, pick-up orders, orders to show cause or any other instruments which normally may be issued by the court for such purpose.

**8. Dissolution of Pretrial Detention Order**

A detainee will be entitled to dissolution of the pretrial detention order whenever the court finds that a later event has eliminated the basis for the detention.

**9. Monitoring**

Sentencing Alternatives, Inc. is responsible for establishing procedures necessary to ensure proper monitoring of any person admitted to Pretrial GPS Program.

**10. Medical and Dental Fees**

Eligibility for and admission to the pretrial GPS program is for the sole benefit of the accused. Neither the Sheriff nor St. Lucie County shall in any way be responsible for any medical or dental fees for any participant of this program.

**11. Effective Date**

This administrative order is effective immediately.

DONE and ORDERED in chambers in Port Saint Lucie, St. Lucie County, Florida, this \_\_\_\_\_ day of January, 2006

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William L. Roby, Chief Judge

Original to: Ed Fry, Clerk of Court  
Copies to: All St. Lucie Criminal Judges  
Ken Mascara, St. Lucie County Sheriff  
Bruce Colton, State Attorney  
Diamond Litty, Public Defender  
Eugene G. Savage, Ft. Pierce Chief of Police

John M. Skinner, Port St. Lucie Chief of Police  
Doug Anderson, County Administrator  
Daniel S. McIntyre, County Attorney  
Mark J. Godwin, Criminal Justice Coordinator