

STATE OF FLORIDA

OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 13-360

WHEREAS, the Honorable WILLIAM EDDINS, State Attorney for the First Judicial Circuit of Florida, has advised Governor RICK SCOTT that Walter Grant Kyser has filed a rule 3.850 motion in the case of *State v. Walter Grant Kyser*; Escambia County Circuit Court Case No. 1990-CF-986; and

WHEREAS, the State Attorney for the Fourteenth Judicial Circuit was assigned to handle the trial of this case under Executive Order 90-61 after a Motion for Change of Venue was granted assigning the case to the First Judicial Circuit of Florida; and

WHEREAS, the First District Court of Appeal recently ruled that proper venue for the rule 3.850 motion is the First Judicial Circuit. *Kyser v. State*, 106 So.3d 33 (Fla. 1st DCA 2013).

WHEREAS, although an executive assignment of the State Attorney from the circuit where the crime arose is not required for that State Attorney to prosecute a case in another circuit after a change of venue, such an executive assignment was entered in this case for the trial under Executive Order 90-61; and

WHEREAS, in an abundance of caution a similar executive assignment should be made to prosecute Kyser's rule 3.850 motion; and

WHEREAS, in accordance with the facts above, the Honorable WILLIAM EDDINS has requested the executive assignment of the State Attorney for the Fourteenth Judicial Circuit with respect to the rule 3.850 motion and all related matters; and

WHEREAS, the Honorable GLENN HESS, State Attorney for the Fourteenth Judicial Circuit of Florida, has agreed to accept the executive assignment in this matter; and

WHEREAS, it is in the best interest of the State of Florida and of the ends of justice that the Honorable GLENN HESS discharge the duties of the Honorable WILLIAM EDDINS, pursuant to section 27.14, Florida Statutes.

NOW, THEREFORE, I, RICK SCOTT, Governor of Florida, in obedience to my solemn constitutional duty to "take care that the laws be faithfully executed," and pursuant to the Constitution and laws of the State of Florida, issue the following Executive Order, effective immediately:

Section 1.

The Honorable GLENN HESS, State Attorney for the Fourteenth Judicial Circuit of Florida, referred to as the "Assigned State Attorney," is assigned to discharge the duties of the Honorable WILLIAM EDDINS, State Attorney for the First Judicial Circuit of Florida, as they relate to the rule 3.850 motion and all matters related to Walter Grant Kyser.

Section 2.

The Assigned State Attorney or one or more Assistant State Attorneys and Investigators, who have been designated by the Assigned State Attorney, shall proceed immediately to the First Judicial Circuit of Florida, and are vested with the authority to perform the duties prescribed herein.

Section 3.

All residents of the First Judicial Circuit are requested, and all public officials are directed, to cooperate and render whatever assistance is necessary to the Assigned State Attorney, so that justice may be served.

Section 4.

The period of this Executive Assignment shall be for one (1) year, to and including December 18, 2014.

Section 5.

The Assigned State Attorney shall notify the Governor on or before November 18, 2014, if additional time is required.



IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed at Tallahassee, this 18th day of December, 2013.

RICK SCOTT, GOVERNOR

ATTEST:

SECRETARY OF STATE

2013 DEC 18 AM 10:37
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

FILED