

STATE OF FLORIDA

OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 20-24

WHEREAS, Christopher Otero-Rivera and Angel Rivera have been arrested and stand accused of premeditated murder, a capitol felony, and other criminal offenses related to the death of Nicole Montalvo in Osceola County, Florida, in October 2019; and

WHEREAS, on January 17, 2020, a letter was received from Attorney General Ashley Moody regarding the criminal investigation into the death of Nicole Montalvo that occurred in Osceola County; and

WHEREAS, Attorney General Ashley Moody's letter referenced the press conference where the Ninth Circuit State Attorney Aramis Ayala publicly declared her disagreement with Osceola County Sheriff Russ Gibson regarding this tragic murder bringing into question whether justice would be properly carried out; and

WHEREAS, Attorney General Ashley Moody advised that after meeting with the Osceola County Sheriff Russ Gibson, her Office of Statewide Prosecutor reviewed the evidence and their preliminary opinion was that based upon the available evidence criminal charges could be filed against Christopher Otero-Rivera and Angel Rivera; and

WHEREAS, the statements made by Ninth Circuit State Attorney Aramis Ayala create concern regarding whether justice will be done in this case; and

WHEREAS, on January 29, 2020, Osceola County Sheriff Russ Gibson expressed his belief that Ninth Circuit State Attorney Aramis Ayala's opposition to the death penalty has interfered with the appropriate pursuit of homicide charges; and

WHEREAS, Osceola County Sheriff Russ Gibson also indicated that Ninth Circuit State Attorney Aramis Ayala is actively hindering the continued collection of evidence and investigation into the death of Nicole Montalvo; and

WHEREAS, Osceola County Sheriff Russ Gibson requested that I assign the matter to a different State Attorney to ensure that justice is pursued; and

WHEREAS, on January 29, 2020, I met with family members of Nicole Montalvo, and they shared concerns about Ninth Circuit State Attorney Aramis D. Ayala's handling of the criminal investigation and expressed their doubts that justice will be pursued; and

WHEREAS, additional individuals in Osceola County have requested the assignment of a different State Attorney due to the public statements of Ninth Circuit State Attorney Aramis D. Ayala; and

WHEREAS, it is in the best interests of the State of Florida, and to protect the public and ensure the ends of justice for the victim and families that Ninth Circuit State Attorney Aramis Ayala be discharged of her duties in this matter, pursuant to section 27.14, Florida Statutes; and

WHEREAS, the Honorable Brad King, State Attorney for the Fifth Judicial Circuit of Florida, has agreed to accept an executive assignment in this matter; and

NOW, THEREFORE, I, RON DESANTIS, 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 Brad King, State Attorney for the Fifth Judicial Circuit of Florida, referred to as the "Assigned State Attorney," is assigned to discharge the duties of the Honorable Aramis Ayala, State

Attorney for the Ninth Judicial Circuit of Florida, as they relate to the investigation, prosecution, and all matters related to Christopher Otero-Rivera and Angel Rivera.

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 Ninth Judicial Circuit of Florida, and are vested with the authority to perform the duties prescribed herein.

Section 3.

All residents of the Ninth 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.

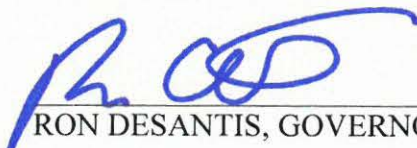
The period of this Executive Assignment shall be for one (1) year, to and including January 31, 2021.

Section 5.

The Assigned State Attorney shall notify the Governor on or before December 31, 2020, 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 31st day of January, 2020.



RON DESANTIS, GOVERNOR

ATTEST:



SECRETARY OF STATE

FILED
2020 JAN 31 AM 11:46
OFFICE OF THE CLERK OF THE SUPREME COURT
TALLAHASSEE, FLORIDA