

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D20-2649

STATE OF FLORIDA,

Appellant,

v.

BRANDY LEE JOHNSON,

Appellee.

On appeal from the Circuit Court for Alachua County.
James M. Colaw, Judge.

August 26, 2021

RAY, J.

The State of Florida challenges the trial court's order granting Brandy Lee Johnson's motion for discharge based on the State's failure to file an information within 175 days of her arrest, thereby violating her speedy trial rights. Below and on appeal, the State argued that the delay was permissible under the Florida Supreme Court's administrative orders suspending all speedy trial time periods in response to the COVID-19 pandemic.* Johnson

* See Fla. Admin. Order No. AOSC20-13 (Fla. Mar. 13, 2020); Fla. Admin. Order No. AOSC20-17 (Fla. Mar. 24, 2020); Fla. Admin. Order No. AOSC20-23 (Fla. Apr. 6, 2020); Fla. Admin. Order No. AOSC20-23, Amend. 1 (Fla. May 4, 2020); Fla. Admin. Order No. AOSC20-23, Amend. 2 (Fla. May 21, 2020); Fla. Admin.

countered that the supreme court only intended to suspend the speedy trial periods pertaining to in-person proceedings, not the time for investigating or filing an information. During the pendency of this appeal, this Court decided *Smith v. State*, 310 So. 3d 1101 (Fla. 1st DCA 2020). *Smith* held that the supreme court's administrative orders suspended all time periods pertaining to the speedy trial procedure, including the time for the State to file or amend an information. *Id.* at 1103. Thus, pursuant to *Smith*, we reverse.

REVERSED and REMANDED for further proceedings.

MAKAR and M.K. THOMAS, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Ashley Moody, Attorney General, and Trisha Meggs Pate and Adam B. Wilson, Assistant Attorneys General, Tallahassee, for Appellant.

Jessica J. Yeary, Public Defender, and Lori A. Willner, Assistant Public Defender, Tallahassee, for Appellee.

Order No. AOSC20-23, Amend. 3 (Fla. June 8, 2020); Fla. Admin. Order No. AOSC20-23, Amend. 4 (Fla. June 16, 2020); Fla. Admin. Order No. AOSC20-23, Amend. 5 (Fla. July 2, 2020); Fla. Admin. Order No. AOSC20-23, Amend. 6 (Fla. Aug. 12, 2020); Fla. Admin. Order No. AOSC20-23, Amend. 7 (Fla. Oct. 2, 2020); Fla. Admin. Order No. AOSC20-23, Amend. 8 (Fla. Nov. 23, 2020).