



**STATE OF FLORIDA**  
**SEVENTH JUDICIAL CIRCUIT**  
Flagler, Putnam, St. Johns & Volusia Counties  
Volusia County Courthouse  
251 North Ridgewood Avenue  
Daytona Beach, FL 32114

**RAUL A. ZAMBRANO**  
**CHIEF JUDGE**

**Phone: (386) 239-7791**  
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July 12, 2015

The Honorable Donald O'Brien Jr.  
Chair Flagler County Commission  
1769 East Moody Boulevard, Building #2  
Bunnell, FL 32110

Dear Mr. O'Brien:

Greetings my friend. I've been made privy to a copy of a letter<sup>1</sup> by Acting County Administrator Heidi Petito in which the County has requested that the Clerk of Court yield space within the Kim C. Hammond Justice Center (courthouse) for purposes of housing the Sheriff's Office for an indefinite period that could meet or even exceed a three year period. As a tenant of the courthouse, and in my capacity as Chief Judge of the Seventh Judicial Circuit, I felt obligated to make the court's position on this matter clear to the County so that it may be taken into consideration. I want to apologize for the length of my letter, but I feel that sharing a bit of history and institutional memory may aid you in your decision and put my words into a proper perspective.

I was appointed a circuit judge in 2005 and my very first assignment was to serve the people of Flagler County. Flagler County proved to be my most favorite assignment. The people of Flagler County are truly unique and they welcomed me beyond my expectations. To say that I still love Flagler County would be an understatement and I still long to be back there someday.

Inasmuch as I loved my assignment there, the facilities at the old courthouse were deplorable from the outset. The old building's woes were well documented. Cracked walls from settling were notable. Irrational air conditioning operations, inmates trudging down the hallways, and the dog sleeping in the breezeway were just some of the charming aspects of the old building. But there were some real problems with that building. Every time it rained, the carpet in my office soaked. The roof had developed structural issues in the old side. The building settled at least once during my tenure there. And, there were rats, real rats in the building (one of which chose to die in a secret space in the false ceiling of my office and it took a week to find.)

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<sup>1</sup> The court was not copied on the letter. The Clerk of Court forwarded the letter to the me.

But then it got worse. The air conditioner decided to die as well – in the middle of the summer (and in the middle of a trial.) The relentless heat inside the building was unbearable. Temporary units took a while to get to the courthouse. We worked by opening windows wherever we could and used fans. I even told the jurors to come dressed as if they were going to the beach because it was going to be hot. The courthouse became an incredibly difficult obstacle course to maneuver. Giant air ducts ran up and down the hallways and only the most physically adept could reach Judge Hammond's chambers because giant tubes had to be jumped up and over in order to get there. The water container of my office's air conditioning unit had to be emptied twice a day.

But regardless of the conditions, we knew that the County was doing everything it could to get us a new facility. We (Judge Hammond, Judge Atack and all of the users of the courthouse) relished in the knowledge that relief would be delivered – but it was going to take some time. And so we made the best of it and worked under those conditions.

Although in my opinion the County waited too long to replace the old courthouse, when they did replace it they did it right. The new Kim C. Hammond Justice Center is a magnificent structure. It is a clean, safe and secure facility. It was built like a courthouse is supposed to be built. Lawyers from all over the State often compliment the facility and the structure. In sum, it was well worth the wait. I worked in the new facility for five years before rotating to Volusia County.

Of great import is the definition of a courthouse. What is a courthouse? It is not just space. Although space is a component of it, it is far more than that. Many things happen at the courthouse. The courthouse is a place where grief and joy are experienced. A place where fear reigns high and jeopardy is at the door. A place where wondering what's going to happen becomes the paramount thought. It is a place where law abiding citizens settle their disputes in an orderly fashion. A place where children are born into families through adoptions. A place where the guilty lose their freedom, but the innocent are set free; and in some occasions where the worst of us lose the right to live among us. In sum, the courthouse is an institution widely known in the community for its specific purpose. A place of judgment.

Although many ancillary things occur at the courthouse, the courts are the beacon of the courthouse. The courts use deputies to enforce its orders. Security guards provide a service at the front door. The State Attorney, Public Defender, Court Administration, Comptroller's and Clerk's office and others dwell in the courthouse. But the main function remains to be the court.

When the County asked the courts to yield some space to assist the Sheriff's Office in its operation, we gave. But there was a tacit understanding that this would be short stay. As the Chief Judge I weighed the County's need against the misperception of having the Sheriff's Office co-located within the courthouse. At that time I felt that given the short span of residence by the Sheriff's Office the impact would be minimal. In now reviewing the letter by Ms. Petito, I feel this is a substantial change in circumstances.

I want to make sure that I impress upon you that I fully realize the pressing needs of the County and of the Sheriff. I personally know Sheriff Staly and have the utmost respect for the

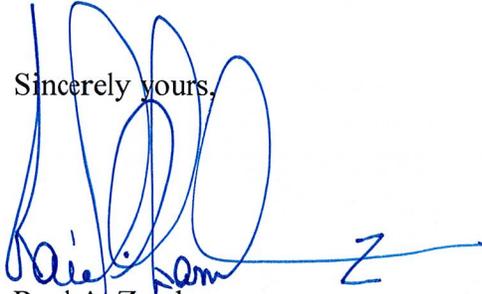
Sheriff and his deputies and staff. I also personally know Clerk Bexley and have the utmost respect for all his deputy clerks and staff as well. The fact that a forced resolution is being brought upon brings me no joy for I know that it is the taxpayers who pay when constitutional officers clash.

In making your decision please consider the following.

- It was the goal of the County Commission and the community in general to obtain a new county judge for Flagler County. That goal was realized this year when Rep. Renner and Sen. Hutson were able to secure a new judge for Flagler County. I've been notified by the Judicial Nominating Commission that they will be convening for the express purpose of selecting qualified nominees to send to Governor DeSantis. It is anticipated that once the process begins, Flagler County could see its next County Court Judge in as little as 90 days.
- A new judge and his/her staff will need space. The new judge will displace Circuit Judge Patti Christesen who has been assigned to do all of Flagler's probate and guardianship.
- There will also be no space for any senior judges who regularly assist the various divisions of the court.
- The new judge may require more staff from the Clerk of the Court, and/or the State Attorney's Office and Public Defender's Office. Although there are no present plans on the new judge's assignment, it is reasonable to believe that additional clerk staff will be needed.
- A quasi forced taking of courthouse space sets a terrible precedent. The courthouse was not built for the purpose of being overflow space for any entity. If done, then can it be presumed that any time there is a need for space then the courthouse will be the default answer for that need? Can any constitutional officer in Flagler County feel safe in their space anymore knowing that on a need basis their space may be taken.
- The function of the Sheriff and the function of the court are well defined and there is only a slight overlap. As I indicated earlier, the Sheriff is the executive officer in charge of enforcing the court's orders. But the judiciary maintains its independent status for the sake of always being fair, neutral and impartial. Blending the Sheriff's Office and the Courts into the same facility may create a perception that blurs the line.
- Finally and of most importance to this court, the courthouse operation needs to be unhampered by the present controversy. Having an overwhelming presence of law enforcement within a courtroom and within a courthouse can create legal issues based on existing case law. An overwhelming presence of law enforcement in one single area could create a chilling effect on the administration of justice. I cringe at the thought that someone may choose to forego coming into the building out of any fear or concern, whether real or imagined, because of an overwhelming presence of law enforcement officers.

Being a Chief Judge has taught me many things, about resiliency and flexibility. No matter what happens we must always find a way to work and deliver our services as expected. When last year's hurricane destroyed one of our Daytona Beach downtown buildings, we recouped and continued to deliver the services the community needs and expects with temporary fixes. Now, we're about to start operating out of a shopping center with a temporary courtroom. Eventually, we will have a courthouse that will accommodate all of our needs in Volusia County. But I anticipate that will be a few years from now. Until then we have adapted and delivered regardless of the impediments. I sincerely pray that Flagler County does the same.

Sincerely yours,

A handwritten signature in blue ink, appearing to read 'Raul A. Zambrano', with a long horizontal flourish extending to the right.

Raul A. Zambrano  
Chief Judge

Cc: Charles Ericksen, Jr. County Commissioner District 1  
Gregory Hansen, County Commissioner District 2  
David Sullivan, Vice Chair, County Commissioner District 3  
Joseph Mullins, County Commissioner District 4  
Jerry Cameron, County Administrator  
Rick Staly, Flagler County Sheriff  
Tom Bexley, Clerk of the Court  
Al Hadeed, County Attorney