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JEFFREY MARGIS
CLERK OF SUPERIOR COURT
YUMA ARIZONA 85364

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YUMA

In the Matter of: **REVISION OF CALENDAR ASSIGNMENTS AND REVISION OF CASE ASSIGNMENTS FOR THE SUPERIOR COURT IN YUMA COUNTY, ARIZONA**	Administrative Order **2010-18**

This Administrative Order supersedes and take the place of Administrative Order No. 2007-22 filed December 20, 2007, Administrative Order No. 2009-05 filed June 11, 2009, Administrative Order 2009-16 filed December 18, 2009, Administrative Order 2010-05 filed February 3, 2010; Administrative Order 2010-04 filed February 2, 2010, and Administrative Order 2010-03 filed January 27, 2010.

The Superior Court in Yuma County wants to maintain its effective caseflow management system. Case disposition statistics and best practices dictate that in order for the courts to maintain effective disposition of felonies, and to effect timely disposition of all other cases, that assignment of criminal, civil, domestic relations, juvenile, guardianship and conservatorship, probate, mental health, adoption, and other proceedings among the different Divisions/Commissioners of the Yuma County Superior Court be changed consistent with this Administrative Order.

IT IS THEREFORE ORDERED that effective January 1, 2011, and until further order of the Presiding Judge, the following assignments are made for the Judges and Commissioners of the Yuma County Superior Court:

(1) Mark Wayne Reeves is assigned to Division One;

(2) John Paul Plante is assigned to Division Two;

(3) Larry Kenworthy is assigned to Division Three;

(4) Andrew W. Gould is assigned to Division Four;

(5) John N. Nelson is assigned to Division Five;

(6) Maria Elena Cruz is assigned to Division Six;

(7) Kathryn Stocking-Tate is assigned as Commissioner One;

(8) Denise D. Gaumont is assigned as Commissioner Two; and

(9) Lisa W. Bleich is assigned as Commissioner Three.

IT IS ORDERED effective with cases filed January 1, 2011, and until further order of the Presiding Judge, the **CRIMINAL CASE** assignments shall be as follows:

(1) All criminal cases previously assigned to the Honorable Tom C. Cole, Division One, and currently assigned to the Honorable Mark Wayne Reeves, Division One, shall continue to be assigned to The Honorable Mark Wayne Reeves, Division One;

(2) All criminal cases previously assigned to the Honorable John N. Nelson, Division Two and currently assigned to the Honorable John Paul Plante, Division Two, shall continue to be assigned to the Honorable John Paul Plante, Division Two;

(3) All criminal cases previously assigned to the Honorable Richard W. "Rick" Donato, Division Three, and currently assigned to the Honorable

Larry Kenworthy, shall be now be assigned to the Honorable John N. Nelson, Division Five;

(4) All criminal cases previously assigned to the Honorable Philip L. Hall, Division Four, and currently assigned to the Honorable Andrew W. Gould, Division Four, shall continue to be assigned to the Honorable Andrew W. Gould, Division Four; and

(5) All criminal cases currently assigned to the Honorable Maria Elena Cruz, Division Six; shall continue to be assigned to the Honorable Maria Elena Cruz, Division Six.

Effective May 7, 2001, all felony criminal complaints filed in justice court were ordered to be assigned to a Superior Court Division on a rotation basis in justice court as set forth in paragraphs numbered (1) and (2) below.

"(1) The first felony complaint filed on Monday, May 7, 2001 shall be assigned to Division One. Thereafter, each felony complaint filed shall be assigned to the next sequentially numbered Division, e.g., Division Two, then Division Three, then Division Four, and starting over again with Division One.

(2) Fugitive felony complaints shall not be assigned to a Superior Court Division."

IT IS ORDERED effective January 1, 2011, that these felony criminal complaints shall be assigned as set forth above, except that Division Three shall be removed from the rotation and Division Five shall added into the rotation. The rotation shall now be Division One, Division Two, Division Five, Division Four and Division Six.

In April, 2002, the Yuma County Attorney's Office instituted a policy of filing one complaint per defendant in Justice Court which resulted in co-defendants being assigned to separate Superior Court Divisions. In order for co-defendant cases to be assigned to the same Superior Court Division,

IT IS ORDERED that effective with cases filed January 1, 2011, and until further order of the Presiding Judge, all felony criminal complaints filed in Justice Court shall continue to be assigned to a Superior Court Division as set forth above, and that co-defendant cases shall continue to be assigned to the same Superior Court Division. In order to facilitate this procedure, the Yuma County Attorney's Office shall continue to file a Notice of Filing Co-Defendant Complaints when filing co-defendant cases in Justice Court.

IT IS ORDERED that if a criminal case originates in a manner other than by way of a felony complaint being filed in Justice Court, such as by way of a Direct Indictment, Lower Court Appeal, or Juvenile Transfer, the Clerk of the Superior Court shall assign those cases as follows:

(1) All numbered cases, the last two digits of which number end in 00 and 01, to Division One;

(2) All numbered cases, the last two digits of which number end in 02 and 03, to Division Two;

(3) All numbered cases, the last two digits of which number end in 04 and 05, to Division Five;

(4) All numbered cases, the last two digits of which number end in 06 and 07, to Division Four; and

(5) All numbered cases, the last two digits of which number end in 08 and 09, to Division Six.

IT IS ORDERED that all pleadings, minute entries, notices and orders filed by an interested party in a Superior Court case shall reflect, immediately beneath the case number, the Division number to which the case has been assigned.

IT IS ORDERED that all pending criminal cases with warrants outstanding that are currently assigned to a judge other than those designated in Division One, Division Two, Division Four, Division Five, and Division Six above, shall be assigned to divisions according to the numbering system set forth above and made a part of this administrative order for criminal cases.

IT IS ORDERED that all criminal cases in which a defendant was originally sentenced by a judge who is active and sitting as designated in Division One, Division Two, Division Four, Division Five, and Division Six above, shall be assigned to that judge. Such assignment shall include, but not be limited to, petitions for violation of probation, petitions for restoration of civil rights, and petitions to modify conditions of probation.

IT IS ORDERED that all criminal cases in which a defendant was originally sentenced by a judge who is active and sitting as designated in Division One, Division Two, Division Three, Division Four, Division Five and Division Six above, or by Commissioner One, Commissioner Two or Commissioner Three as designated above, shall be assigned to that judge for all petitions for post-conviction relief proceedings.

IT IS ORDERED that all criminal cases in which a defendant was originally sentenced by a judge other than those designated in Division One, Division Two,

Division Four, Division Five; or Division Six above, shall be assigned to divisions according to the numbering system set forth above and made a part of this administrative order for criminal cases. Such assignment shall include, but not be limited to, petitions for violation of probation, petitions for restoration of civil rights, petitions to modify conditions of probation, and petitions for post-conviction relief proceedings.

IT IS FURTHER ORDERED effective with cases filed January 1, 2011, and until further order of the Presiding Judge, the **CIVIL CASE** assignments shall be as follows:

(1) All civil cases previously assigned to the Honorable Tom C. Cole, Division One, and currently assigned to the Honorable Mark Wayne Reeves, Division One, shall continue to be assigned to The Honorable Mark Wayne Reeves, Division One;

(2) All civil cases previously assigned to the Honorable Richard W. "Rick" Donato, Division Three and currently assigned to the Honorable Larry Kenworthy, shall be now be assigned to the Honorable John N. Nelson, Division Five;

(5) All civil cases previously assigned to the Honorable Philip L. Hall, Division Four, and currently assigned the Honorable Andrew W. Gould, Division Four, shall continue to be assigned to the Honorable Andrew W. Gould, Division Four;

(4) All civil cases currently assigned to the Honorable Maria Elena Cruz, Division Six; shall continue to be assigned to the Honorable Maria Elena Cruz, Division Six; and

(5) All civil cases currently assigned to the Honorable Lisa W. Bleich, Commissioner Three, shall continue to be assigned to the Honorable Lisa W. Bleich, Commissioner Three.

IT IS ORDERED effective with cases filed January 1, 2011, and until further order of the Presiding Judge, that the Clerk of the Superior Court shall assign civil cases as follows:

(1) All numbered cases, the last two digits of which number end in 00 and 01, to Division One;

(2) All numbered cases, the last two digits of which number end in 02 and 03, to Division Five;

(3) All numbered cases, the last two digits of which number end in 04 and 05, to Division Four;

(4) All numbered cases, the last two digits of which number end in 06 and 07, to Division Six; and

(5) All numbered cases, the last two digits of which number end in 08 and 09, to Commissioner Three.

IT IS ORDERED that effective with cases filed January 1, 2011, and until further order of the Presiding Judge, the **PROBATE CASE** assignments shall be as follows:

(1) All probate cases shall be assigned on a rotation basis to Division Three and to Division Five with all odd numbered cases being assigned to Division Three and all even numbered cases being assigned to Division Five; and

(2) Any probate cases filed prior to January 1, 2011, that come on before

the court for hearing or review after January 1, 2011, shall be automatically assigned on a rotation basis to Division Three and Division Five, with all odd numbered cases being assigned to Division Three and all even numbered cases being assigned to Division Five.

IT IS ORDERED that effective with cases filed January 1, 2011, and until further order of the Presiding Judge, the **GUARDIANSHIP CASE** assignments shall be as follows:

(1) All guardianship cases shall be assigned on a rotation basis to Division Three and to Division Five with all odd numbered cases being assigned to Division Three and all even numbered cases being assigned to Division Five; and

(2) Any guardianship cases filed prior to January 1, 2011, that come on before the court for hearing or review after January 1, 2011, shall be automatically assigned on a rotation basis to Division Three and Division Five, with all odd numbered cases being assigned to Division Three and all even numbered cases being assigned to Division Five.

IT IS ORDERED that effective with cases filed January 1, 2011, and until further order of the Presiding Judge, the **MENTAL HEALTH CASE** assignments shall be as follows:

(1) All mental health cases shall be assigned to Division Three; and

(2) Any mental health cases filed prior to January 1, 2011, that come before the court for hearing or review after January 1, 2011, shall

be automatically reassigned to Division Three.

IT IS ORDERED that effective January 1, 2011, and until further order of the Presiding Judge, the **SEXUALLY VIOLENT PERSON CASE** assignments shall be as follows:

(1) All civil cases where a petition has been filed seeking an order of the court to detain a person as a Sexually Violent Person pursuant to the Sexually Violent Persons Act, ARS §§36-3701 through 36–3716, shall continue to be assigned to Division Two; and

(2) Any civil cases where a petition has been filed prior to January 1, 2011, seeking an order of the court to detain a person as a Sexually Violent Person pursuant to the Sexually Violent Persons Act, ARS §§36-3701 through36-3716, that come before the court for hearing or review after January 1, 2011, shall continue to be automatically assigned to Division Two.

IT IS ORDERED that effective January 1, 2011, and until further order of the Presiding Judge, the **ADOPTION CASE** assignments shall be as follows:

(1) All adoption cases shall be assigned on a rotation basis to Commissioner One and to Commissioner Two with all odd numbered cases being assigned to Commissioner One and all even numbered cases being assigned to Commissioner Two; and

(2) Any adoption case filed prior to January 1, 2011, that come on before the court for hearing or review after January 1, 2011, shall be automatically assigned on a rotation basis to Commissioner One and Commissioner Two, with all odd numbered cases being assigned to

Commissioner One and all even numbered cases being assigned to Commissioner Two.

IT IS ORDERED that effective with all cases filed January 1, 2011, and until further order of the Presiding Judge, the **ELECTION CONTEST** assignments shall be as follows:

(1) All "election contest" cases shall remain assigned to Division One; and

(2) Division One of the Superior Court in Yuma County remains designated the "election division" of the Superior Court in Yuma County.

IT IS ORDERED effective with all cases filed beginning January 1, 2011, and until further order of the Presiding Judge, **DOMESTIC RELATION CASES**, except Title IV-D cases addressed below, shall be assigned as follows:

(1) All odd numbered cases shall be assigned to Division Three; and

(2) All even numbered cases shall remain assigned to Division Two; and

(3) Any domestic relations cases, except Title IV-D cases addressed below, filed prior to January 1, 2011, that come on before the court for hearing or review after January 1, 2011, shall be automatically assigned to Division Three and Division Two as set forth in (1) and (2) above; and

(6) All Title IV(D) child support actions initiated by the Arizona Attorney General's Office shall continue to be assigned to Commissioner Two; and

(5) Any Title IV(D) child support actions initiated by the Arizona Attorney General's Office filed prior to January 1, 2011, that come before the court for hearing or review after January 1, 2011,

and after, shall be automatically assigned to Commissioner Two; and

(7) Any Title IV(D) cases assigned as set forth in (4) & (5) above, that come before the court for hearing on some issue other than child support, shall be assigned to Division Two and Division Three for those contested issues with all odd numbered cases being assigned to Division Three and all even numbered cases being assigned to Division Two. These hearings would include, but not be limited to, a visitation issue, a custody issue, or a change of custody issue.

IT IS ORDERED effective January 1, 2011, and until further order of the Presiding Judge, all Title IV(D) child support actions initiated by the Arizona Attorney General's Office shall continue to be heard by Commissioner Two on Thursdays commencing at 8:30 a.m..

IT IS ORDERED effective with all cases filed January 1, 2011, and until further order of the Presiding Judge, all order of protection hearings shall be heard by the Division to whom they are assigned.

IT IS ORDERED effective January 1, 2011, and until further order of the Presiding Judge, all Arraignments shall be heard by Commissioner Three on Fridays commencing at 1:30 p.m., unless the date and time is rescheduled by order of the court.

IT IS ORDERED beginning January 1, 2011, and until further order of the Presiding Judge, all Motions to Review Conditions of Release shall be heard by Commissioner Three on Fridays commencing at 2:30 p.m., unless the date and time is rescheduled by order of the court.

IT IS ORDERED beginning January 1, 2011, and until further order of the Presiding Judge, the administrative duties and responsibilities of calling and impaneling grand juries by the Superior Court in Yuma County, and hearings regarding grand jury presentments shall, in addition to the presiding judge, be assigned to Division Six. Division Six shall assume the primary assignment of all matters pertaining to a grand jury requiring the attention of a Superior Court judge in Yuma County.

IT IS ORDERED that all cases in the Juvenile Division of the Yuma Superior Court shall be assigned to Commissioner One and Commissioner Two.

IT IS ORDERED effective January 1, 2011, and until further order of the Presiding Judge, that all cases of the Adult Drug Court shall be assigned to Division One and Division Six. Division One Adult Drug Court shall be heard on Fridays and Division Six Adult Drug Court shall be heard on Mondays.

IT IS ORDERED effective January 1, 2011, and until further order of the court, that Division Six shall be assigned the Monday Adult Drug Court and Division One shall be assigned the Friday Adult Drug Court.

IT IS ORDERED effective January 1, 2011, and until further order of the Presiding Judge, Commissioner Three shall continue to hear all domestic relations default actions on Wednesdays commencing at 1:30 p.m..

Notwithstanding the foregoing judicial assignments, during the absence or unavailability of any Superior Court Judge/Commissioner, another Superior Court Judge/Commissioner may be substituted in his or her place.

IT IS ORDERED effective January 1, 2011, and until further order of the Presiding Judge, the criminal calendars (other than jury trials) shall be held as follows:

Division One: Tuesday--8:30 a.m. to Noon
Thursday --8:30 a.m. to Noon and 1:30 p.m. to 5:00 p.m.

Division Four: Tuesday--8:30 a.m. to Noon and 1:30 p.m. to 5:00 p.m.
Thursday --8:30 a.m. to Noon

Division Two: Wednesday—8:30 a.m. to Noon and 1:30 p.m. to 5:00 p.m.
Friday—8:30 a.m. to Noon

Division Five: Wednesday—8:30 a.m. to Noon
Friday--8:30 a.m. to Noon and 1:30 p.m. to 5:00 p.m.

Division Six: Wednesday—8:30 a.m. to Noon and 1:30 p.m. to 5:00 p.m.
Friday—8:30 a.m. to Noon

Comm. Three: Friday—1:30 p.m. Arraignment Calendar
Friday—2:30 p.m. Conditions of Release Calendar

IT IS ORDERED that Law and Motion Day shall continue to be the first working day of each week, with proceedings being held on that day unless otherwise set by the Judge assigned to a particular case.

DATED this 17th day of December, 2010.

Honorable Andrew W. Gould
Presiding Judge

Copies to:

Hon. Andrew W. Gould
Hon. Mark Wayne Reeves
Hon. John Paul Plante
Hon. Larry Kenworthy
Hon. John N. Nelson
Hon. Maria Elena Cruz
Hon. Kathryn Stocking-Tate
Hon. Denise D. Gaumont
Hon. Lisa W. Bleich
Hon. Gregory Stewart
Hon. Jorge Lozano
Hon. Cora Romine
Hon. Jeffrey Mangis, Clerk of the Superior Court
Margaret C. Guidero, Court Administrator
Steve Hardy, Chief Adult Probation Officer
Tim Hardy, Director of Juvenile Court Services
Jon Smith, Yuma County Attorney
Michael Breeze, Yuma Public Defender
Jose de la Vara, Yuma Legal Defender
Ronald F. Jones, Conflict Administrator
Sherri L. Williams, Caseflow Manager
Yuma County Bar