

JUN 26 2019 ✓

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

DONNA McQUALITY, Clerk
By: J. Derois

IN THE MATTER OF:)
)
JUDICIAL ASSIGNMENTS) ADMINISTRATIVE ORDER
)
) No. 2019-14
)
_____)

In accordance with the Rule 1.1 (B) of the Local Rules of Practice for Yavapai County, the following assignments of cases filed on or after July 9, 2019, are made to the respective divisions of the Superior Court. This Administrative Order supersedes Administrative Order 2018- 38. This Administrative Order is issued to provide coverage for Division 4 from the date Judge Patricia Trebesch has announced will be her last day until the new Judge for Division 4 appointed by the Governor is able to assume that office.

A. VERDE VALLEY JUDICIAL DISTRICT – PURSUANT TO RULE 1.2 OF THE LOCAL RULES OF PRACTICE FOR YAVAPAI COUNTY.

1. DIVISION 7 – JUDGE MICHAEL R. BLUFF.

- a. Associate Presiding Judge.
- b. Initial appearances, extraditions including habeas corpus proceedings, review hearings, out-of-state criminal subpoenas for Yavapai County and Adult Interstate Compact (ISC) Probation Program probable cause administrative hearings for all of Yavapai County.
- c. 80% of criminal cases resulting from offenses committed in the Verde Valley Judicial District, including:
 - 1) Revocation proceedings on Verde Valley Judicial District cases sentenced by Judge Bluff and on 80% of cases sentenced by a Judge no longer assigned to the Verde Valley Judicial District.

Clerk of Court (D)
 Chief Deputy (E)
 Court Admin (E)

 _____ () Other _____

- 2) Probation terminations on Verde Valley Judicial District cases sentenced by Judge Bluff and on 80% of cases sentenced by a Judge no longer assigned to the Verde Valley Judicial District.
 - 3) Writs of Habeas Corpus on Verde Valley Judicial District cases sentenced by Judge Bluff and on 80% of cases sentenced by a Judge no longer assigned to the Verde Valley Judicial District.
 - 4) Post-conviction relief (PCR) proceedings, restoration of rights, designation of offense and further action by appellate court mandate on cases sentenced by Judge Bluff.
- d. 80% of all Verde Valley Judicial District post-conviction relief (PCR) proceedings, restoration of rights, designation of offense and further action by appellate court mandate on cases sentenced by a judge not currently presiding over cases in Yavapai County.
 - e. Any criminal case which cannot be heard by Judge Kelly, Judge Ainley or Judge Kottke after first attempting to keep the case within the assigned Judicial District.
 - f. All project S.A.F.E. (Safe, Accountable & Fair Enforcement) cases in the Verde Valley Judicial District as back-up.
 - g. 100% of all criminal extradition cases filed in the Verde Valley Judicial District and the Prescott Judicial District.
 - h. Grand Jury Empanelment as back-up.
- 2. DIVISION PRO TEM A – DEBRA R. PHELAN.**
- a. 100% of domestic relations cases and Orders of Protection filed in the Verde Valley Judicial District, excluding IV-D cases.
 - b. All Requests for Expedited Process in cases assigned in Division Pro Tem A.
 - c. Dismissal Orders for unassigned domestic cases in the Verde Valley Judicial District.

- d. All domestic relations default cases filed in the Verde Valley Judicial District requiring a hearing and not already assigned to a Division.
- e. 100% of civil cases including injunctions filed in the Verde Valley Judicial District, excluding sexually violent person cases.
- f. All forcible entry and detainers filed in the Verde Valley Judicial District.
- g. 100% of probate cases filed in the Verde Valley Judicial District including emergency probate requests. In the event Judge Phelan is not available to consider an emergency probate request then the Judicial Assistant or Clerk may contact Judge Kottke, Judge Stevens, Judge Bluff and Judge Mackey, in that order, to obtain consideration of the emergency request.
- h. Requests for waiver of deferral of fees filed in the Verde Valley Judicial District.
- i. Juvenile Court cases filed in the Verde Valley Judicial District, including:
 - 1) All delinquency cases filed in the Verde Valley Judicial District. The detention hearings will be heard by the Presiding Juvenile Judge or her designee at the Juvenile Justice Center or by video by her designee if that judge is in a location other than the Juvenile Justice Center.
 - 2) *Adolescent Recovery Court* in the Verde Valley Judicial District.
 - 3) All private severance (SV) cases filed in the Verde Valley Judicial District.
 - 4) Back-up for private severance (SV) cases filed in the Prescott Judicial District.
- j. Dependency cases in the Verde Valley Judicial District as assigned by the Presiding Juvenile Judge and as back-up for the Prescott Judicial District including:
 - 1) Adoptions as assigned by the Presiding Juvenile Judge.
 - 2) Termination (JD) cases as assigned by the Presiding Juvenile Judge.

k. Juvenile Court Judge in order to assist Division 6 with juvenile delinquency and dependency cases as assigned by the Presiding Juvenile Court Judge Anna Young and to hear Orders of Protection or Injunctions Against Harassment in which the Defendant is a minor.

3. DIVISION PRO TEM B – CHRISTOPHER L. KOTTKE.

a. Verde Valley Early Disposition Court Judge.

b. 20% of criminal cases resulting from offenses committed in the Verde Valley Judicial District, including:

1) Revocation proceedings on Verde Valley Judicial District cases sentenced by Judge Kottke and on 20% of cases sentenced by a Judge no longer assigned to the Verde Valley Judicial District.

2) Probation terminations on Verde Valley Judicial District cases sentenced by Judge Kottke and on 20% of cases sentenced by a Judge no longer assigned to the Verde Valley Judicial District.

3) Writs of Habeas Corpus on Verde Valley Judicial District cases sentenced by Judge Kottke and on 20% of cases sentenced by a Judge no longer assigned to the Verde Valley Judicial District.

4) Post-conviction relief (PCR) proceedings, restoration of rights, designation of offense and further action by appellate court mandate on cases sentenced by Judge Kottke.

c. Criminal Rule 11 proceedings, as assigned, after the request for the Preliminary Rule 11 evaluation. When an order finding the Defendant competent or restored to competency is entered, the case may remain before Judge Kottke for a change of plea and sentencing if the Defendant and State stipulate. If there is no stipulation, the case shall be returned to the previously assigned judge or, if no judge was previously assigned, the matter shall be assigned pursuant to this Administrative Order.

- d. Non-victim criminal drug and driving under the influence cases from both the Prescott Judicial District and the Verde Valley Judicial District as assigned during Grand Jury returns.
- e. Any criminal case which cannot be heard by Judge Kelly, Judge Ainley or Judge Bluff after first attempting to keep the case within the assigned Judicial District.
- f. Criminal extradition cases filed in the Verde Valley Judicial District and the Prescott Judicial District as back-up.
- g. Initial appearances, Grand Jury returns, extraditions including habeas corpus proceedings, review hearings, out-of-state criminal subpoenas for Yavapai County and Adult Interstate Compact (ISC) Probation Program probable cause administrative hearings for all of Yavapai County on a back-up basis.
- h. Criminal extradition cases filed in the Verde Valley Judicial District and the Prescott Judicial District on a back-up basis.
- i. Criminal lower court appeal cases.
- j. Criminal Special Actions from limited jurisdiction courts filed in Yavapai County; however, since these cases are filed as civil cases, they may be sent to Case Flow for reassignment to Division Pro Tem B.
- k. All civil lower court appeal cases filed in Yavapai County.
- l. The following problem-solving courts:
 - 1) Adult DUI Court in the Valley Judicial District.
 - 2) Adult Drug Court in the Verde Valley Judicial District.
 - 3) Mental Health Court in the Verde Valley Judicial District.

4. Seasonal JUDGE PRO TEM DON STEVENS.

- a. Probate cases which cannot be heard by Judge Phelan or Judge Mackey.

- b. Domestic relations cases and Orders of Protection filed in the Verde Valley Judicial District, excluding IV-D cases which cannot be heard by Judge Phelan.
- c. All Requests for Expedited Process in cases assigned to Seasonal Pro Tem Judge Stevens.
- d. Civil case settlement conferences as assigned.
- e. Civil cases currently assigned to Seasonal Pro Tem Judge Stevens and Verde Valley Judicial District civil cases including injunctions which cannot be heard by Judge Phelan.
- f. Back-up to Division 1 for Veterans Court.
- g. Juvenile Court Judge in order to assist Division 6 with juvenile delinquency and dependency cases as assigned by the Presiding Juvenile Court Judge Anna Young and to hear Orders of Protection or Injunctions Against Harassment in which the Defendant is a minor.

B. PRESCOTT JUDICIAL DISTRICT.

1. DIVISION 1 – JUDGE DAVID L. MACKEY.

- a. Presiding Judge.
 - 1) Pro Tem orders of appointment for Justices of the Peace.
 - 2) Budgets.
- b. 40% of all civil cases including injunctions filed in the Prescott Judicial District and civil cases including injunctions filed in the Verde Valley Judicial District that cannot be heard by Judge Phelan, excluding sexually violent person cases.
- c. Master of the Verde Ditch.
- d. Any Prescott Judicial District domestic relations or criminal case, as assigned.
- e. 100% of probate cases filed in the Prescott Judicial District including emergency probate requests and probate cases filed in the Verde Valley Judicial District that cannot be heard by Judge Phelan or Judge Stevens. In the event Judge Mackey is not available to consider an emergency probate request then the Judicial Assistant or Clerk may contact Judge Napper,

Judge Phelan, Judge Kottke and Judge Bluff, in that order, to obtain consideration of the emergency request.

- f. All election contest cases in Yavapai County.
- g. Veterans Court.
- h. All project S.A.F.E. (Safe, Accountable & Fair Enforcement) cases on a back-up basis.
- i. Back-up to Division 2 for Title 36 mental health cases filed in Yavapai County.
- j. Juvenile Court Judge in order to assist Division 6 with juvenile delinquency and dependency cases as assigned by the Presiding Juvenile Court Judge Anna Young and to hear Orders of Protection or Injunctions Against Harassment in which the Defendant is a minor.

2. DIVISION 2 – JUDGE JOHN D. NAPPER:

- a. 60% of civil cases including injunctions filed in the Prescott Judicial District and civil cases including injunctions filed in the Verde Valley Judicial District that cannot be heard by Judge Phelan or Judge Stevens, excluding sexually violent person cases.
- b. All forcible entry and detainers filed in the Prescott Judicial District.
- c. Domestic relations cases and Orders of Protection filed in the Prescott Judicial District, excluding IV-D cases that cannot be heard by Judge Hancock or Judge Goldstein.
- d. All Requests for Expedited Process in cases assigned in Division 2.
- e. The following problem-solving courts:
 - 1) Adult DUI Court in the Prescott Judicial District.
 - 2) Adult Drug Court in the Prescott Judicial District.
 - 3) Mental Health Court in the Prescott Judicial District beginning January 8, 2019.
- g. All Title 36 mental health cases filed in Yavapai County.

- h. Juvenile Court Judge in order to assist Division 6 with juvenile delinquency and dependency cases as assigned by the Presiding Juvenile Court Judge Anna Young and to hear Orders of Protection or Injunctions Against Harassment in which the Defendant is a minor.

3. DIVISION 3 – JUDGE TINA R. AINLEY.

- a. Criminal Presiding Judge.
- b. Prescott Early Disposition Court Judge morning in-custody hearings.
- c. Grand Jury Empanelment and all Grand Jury returns.
- d. 40% of the criminal cases resulting from offenses committed in the Prescott Judicial District, and including:
 - 1) Revocation proceedings on Prescott Judicial District cases sentenced by Judge Ainley and 40% of cases sentenced by a judge no longer assigned to the Prescott Judicial District.
 - 2) Probation terminations on Prescott Judicial District cases sentenced by Judge Ainley and on 40% of cases sentenced by a judge no longer assigned to the Prescott Judicial District.
 - 3) Writs of Habeas Corpus on Prescott Judicial District cases sentenced by Judge Ainley and on 40% of cases sentenced by a judge no longer assigned to the Prescott Judicial District.
 - 4) Post-conviction relief (PCR) proceedings, restoration of rights, designation of offense and further action by appellate court mandate on cases sentenced by Judge Ainley.
- e. 40% of all Prescott Judicial District post-conviction relief (PCR) proceedings, restoration of rights, designation of offense and further action by appellate court mandate on cases sentenced by a judge not currently presiding over cases in Yavapai County.
- f. Any criminal case which cannot be heard by Judge Kelly, Judge Bluff or Judge Kottke after first attempting to keep the case within the assigned Judicial District.

- g. Initial appearances, extraditions including habeas corpus proceedings, review hearings, out-of-state criminal subpoenas for Yavapai County and Adult Interstate Compact (ISC) Probation Program probable cause administrative hearings for all of Yavapai County on a back-up basis.
- h. All sexually violent person cases in Yavapai County.
- i. Back-up to Division 2 for Title 36 mental health cases filed in Yavapai County.
- j. All project S.A.F.E. (Safe, Accountable & Fair Enforcement) cases in the Prescott Judicial District and the Verde Valley Judicial District.
- k. Juvenile Court Judge in order to assist Division 6 with juvenile delinquency and dependency cases as assigned by the Presiding Juvenile Court Judge Anna Young and to hear Orders of Protection or Injunctions Against Harassment in which the Defendant is a minor.

4. DIVISION 4 – On an interim basis and until the Governor’s appointee can take office, Seasonal JUDGE PRO TEM THOMAS K. KELLY is assigned to preside over the following:

- a. Prescott Early Disposition Court Judge afternoon out of custody hearings.
- b. 60% of the criminal cases resulting from offenses committed in the Prescott Judicial District including:
 - 1) Revocation proceedings on Prescott Judicial District cases sentenced by Judge Trebesch or Judge Kelly and on 60% of cases sentenced by a judge no longer assigned to the Prescott Judicial District.
 - 2) Probation terminations on Prescott Judicial District cases sentenced by Judge Trebesch or Judge Kelly and on 60% of cases sentenced by a judge no longer assigned to the Prescott Judicial District.

- 3) Writs of Habeas Corpus on Prescott Judicial District cases sentenced by Judge Trebesch or Judge Kelly and on 60% of cases sentenced by a judge no longer assigned to the Prescott Judicial District.
 - 4) Post-conviction relief (PCR) proceedings, restoration of rights, designation of offense and further action by appellate court mandate on cases sentenced by Judge Trebesch or Judge Kelly.
- c. 60% of all Prescott Judicial District post-conviction relief (PCR) proceedings, restoration of rights, designation of offense and further action by appellate court mandate on cases sentenced by a judge not currently presiding over cases in Yavapai County.
 - d. Any criminal case which cannot be heard by Judge Ainley, Judge Bluff or Judge Kottke after first attempting to keep the case within the assigned Judicial District.
 - e. Initial appearances, Grand Jury returns, extraditions including habeas corpus proceedings, review hearings, out-of-state criminal subpoenas for Yavapai County and Adult Interstate Compact (ISC) Probation Program probable cause administrative hearings for all of Yavapai County on a back-up basis.
 - f. Juvenile Court Judge in order to assist Division 6 with juvenile delinquency and dependency cases as assigned by the Presiding Juvenile Court Judge Anna Young and to hear Orders of Protection or Injunctions Against Harassment in which the Defendant is a minor.

5. DIVISION 5 – JUDGE CELE HANCOCK.

- a. Domestic Relations Presiding Judge.
 - 1) Conciliation Court.
 - 2) Parent Education Program.
- b. 80% of domestic relations cases and Orders of Protection filed in the Prescott Judicial District, excluding IV-D cases.

- c. All Requests for Expedited Process in cases assigned in Division 5.
- d. Juvenile Court Judge in order to assist Division 6 with juvenile delinquency and dependency cases as assigned by the Presiding Juvenile Court Judge Anna Young and to hear Orders of Protection or Injunctions Against Harassment in which the Defendant is a minor.

6. DIVISION 6 – JUDGE ANNA YOUNG.

- a. Presiding Juvenile Court Judge for Yavapai County assigned to the Juvenile Justice Center.
 - 1) Court Appointed Special Advocate Program.
 - 2) Foster Care Review Board.
 - 3) Community Coordination and Progress Mediation Program.
 - 4) Juvenile Court cases, including:
 - a. All delinquency cases filed in the Prescott Judicial District including video delinquency detention hearings and video delinquency detention hearings for cases filed in the Verde Valley Judicial District.
 - b. Juvenile Under Supervision & Treatment (J.U.S.T.) Court in the Prescott Judicial District.
 - c. Adolescent Recovery Court in the Prescott Judicial District.
 - d. All dependency cases in Yavapai County.
 - e. All adoptions in Yavapai County.
 - f. All termination (JD) cases in Yavapai County.
 - g. All private severance (SV) cases filed in the Prescott Judicial District.
 - h. Back-up for private severance (SV) cases filed in the Verde Valley Judicial District.
- b. Minor abortion cases filed in Yavapai County shall be assigned to the Presiding Juvenile Judge or another Juvenile Judge designated by the Presiding Juvenile Judge.

7. FAMILY LAW DIVISION – COMMISSIONER JOSEPH P. GOLDSTEIN.

- a. All IV-D, URESA, and UIFSA child support cases in Yavapai County, including post-decree matters.
- b. All IV-D paternity cases in Yavapai County.
- c. All domestic relations default matters in Yavapai County not requiring a hearing and not already assigned to a Division.
- d. All domestic relations default cases filed in the Prescott Judicial District requiring a hearing and not already assigned to a Division.
- e. 20% of domestic relations cases and Orders of Protection filed in the Prescott Judicial District, excluding IV-D cases.
- f. All Requests for Expedited Process in cases assigned to Family Law Division.
- g. Dismissal Orders for unassigned domestic cases in the Prescott Judicial District.
- h. Other cases as assigned by the Presiding Judge.
- i. Matters related to domestic relations cases not assigned to a judge in the Prescott Judicial District, and not requiring a hearing.
- j. Requests for waiver of deferral of fees filed in the Prescott Judicial District.

C. SEASONAL JUDGES PRO TEM.

- a. In addition to other assignments, Seasonal Judges Pro Tem THOMAS K. KELLY, SUSAN J. KAYLER, RHONDA LEE REPP, CATHERINE J. KELLEY AND DON STEVENS are assigned as Juvenile Court Judges in order to assist DIVISION 6 – JUDGE ANNA YOUNG with juvenile delinquency and dependency cases as assigned by the Presiding Juvenile Court Judge Anna Young and to hear Orders of Protection or Injunctions Against Harassment in which the Defendant is a minor.

- b. Seasonal Judges Pro Tem THOMAS K. KELLY, SUSAN J. KAYLER, RHONDA LEE REPP, CATHERINE J. KELLEY AND DON STEVENS may be assigned cases, including criminal, civil, injunctions, probate, domestic cases and Orders of Protection as directed by the Presiding Judge.
- c. Seasonal Judges Pro Tem THOMAS K. KELLY may be assigned to hear Early Disposition Court and Rule 17.4 criminal settlement conferences as arranged by the assigned criminal division and may be assigned criminal cases at any stage of the proceedings by the Presiding Criminal Judge through the case transfer process.
- d. On an interim basis and until further order of the Court, Seasonal Judge Pro Tem Rhonda Lee Repp is assigned to preside over the Family Treatment Court in the Prescott Judicial District and the Verde Valley Judicial District.

D. GENERAL CONSIDERATION.

- 1. At the time of Grand Jury returns, the Court will set an arraignment in the assigned Division pursuant to Rule 14, Arizona Rules of Criminal Procedure. The arraignments will be set on the assigned Division's normal law and motion calendar and the Court will set a Case Management Conference/Pretrial Conference on the Court's calendar based upon input from the parties.
- 2. Civil cases including injunctions will be assigned to a judge when filed according to the above distribution.
- 3. Orders of Protection will be assigned when filed to a domestic relations judge according to the above distribution.
- 4. Domestic relations cases will be assigned to a judge when a responsive pleading is filed or a specific judicial action is requested, whichever occurs first.

5. Civil post-judgment and domestic relations post-decree matters shall be assigned according to the above distribution.
6. Cases heard in Early Disposition Court (EDC) shall be assigned by the Judge presiding over EDC in the manner set forth in this Administrative Order and that assignment shall apply to pending matters as well as future Petitions To Revoke, Petitions For Post Conviction Relief, Petitions For Termination of Probation, Petitions to Enact, Writs of Habeas Corpus, Restoration of Rights and Designation of Offenses.
7. Cases assigned to a problem-solving court which are determined to be no longer appropriate for the problem-solving court shall be returned to the sentencing Judge for all further proceedings unless the Defendant and State stipulate and the sentencing Judge agrees that the Judge presiding over the problem-solving court can preside over those further proceedings.
8. Cases which involve post-conviction relief (PCR) proceedings, restoration of rights or designation of offense, shall be assigned to the sentencing judge, if the sentencing Judge is currently assigned to receive criminal cases. If the sentencing Judge is not currently assigned to receive new criminal cases, the case shall be assigned according to the above distribution. Once assigned by the Clerk, the newly assigned judge shall consult with the sentencing judge who presided over the case to determine whether the case should be assigned to the sentencing judge pursuant to the Rules of Criminal Procedure or in the interest of justice.
9. Criminal cases in which prosecution was deferred and a motion has been filed or there is a post-adjudication matter, with the exception of therapeutic courts covered in this Administrative Order, shall be assigned to the sentencing judge, if the sentencing judge is currently assigned to receive criminal cases in the same judicial district in which the case

originated. If the sentencing judge is not currently assigned to receive new criminal cases in the same judicial district in which the case originated, the case shall be assigned according to the above distribution. Once assigned by the Clerk, the newly assigned judge shall consult with the sentencing judge who presided over the case to determine whether the case should be assigned to the sentencing judge pursuant to the Rules of Criminal Procedure or in the interest of justice.

10. Any pending case previously assigned to a judge not currently presiding over cases in Yavapai County and not otherwise specifically addressed above shall be assigned consistent with the above distribution.
11. When reassignment pursuant to this Administrative Order would be detrimental to the prompt administration of justice, Judges may choose to retain certain cases at their discretion or may be required to retain cases as decided by the Presiding Judge.

DATED at Prescott, Arizona, the 25th day of June 2019.


DAVID L. MACKEY
Presiding Judge