

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA ^{4:05} **FILED**
IN AND FOR THE COUNTY OF YAVAPAI **O'clock** P.M.
FEB 18 2021 ✓

IN THE MATTER OF:)

JUDICIAL ASSIGNMENTS)

ADMINISTRATIVE ORDER

No. 2021-03

CONNNA McQUALITY, Clerk
By: J. DEROIS

In accordance with the Rule 1(C) of the Local Rules of Practice for Yavapai County, the following assignments of cases filed on or after February 22, 2021, are made to the respective divisions of the Superior Court. This Administrative Order supersedes Administrative Order 2020-15. Due to the COVID -19 pandemic, until January 1, 2022, each presiding judge has the authority to reallocate cases for coverage to other judges within their discipline. Such reallocation shall be in consultation with the Presiding Judge.

A. VERDE VALLEY JUDICIAL DISTRICT – PURSUANT TO RULE 3 OF THE LOCAL RULES OF PRACTICE FOR YAVAPAI COUNTY AND ADMINISTRATIVE ORDER 2021-02.

1. DIVISION 7 – JUDGE MICHAEL R. BLUFF.

a. 100% of criminal cases resulting from offenses committed in the Verde Valley Judicial District including:

- 1) Writs of Habeas Corpus on Verde Valley Judicial District cases sentenced by Judge Bluff and on 100% of cases sentenced by a Judge no longer assigned to the Verde Valley Judicial District.
- 2) Post-conviction relief (PCR) proceedings, restoration of rights, designation of offense and further action by appellate court mandate on cases sentenced by Judge Bluff.

✓ Clerk of Court (e)
✓ Chief Deputy (e)
✓ Court Admin (e)
() _____ () Other _____

- b. 100% 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.
- c. Any criminal case which cannot be heard by Judge Carman, Judge Phelan, Judge Ainley, or Judge Kelly after first attempting to keep the case within the assigned Judicial District.
- d. All project S.A.F.E. (Swift, Accountable & Fair Enforcement) cases in the Verde Valley Judicial District as back-up.
- e. 100% of all criminal extradition cases filed in the Verde Valley Judicial District and the Prescott Judicial District.
- f. Emergency Public Health cases for the Verde Valley Judicial District.

2. DIVISION PRO TEM B – LINDA WALLACE.

- a. 100% of civil cases including injunctions filed in the Verde Valley Judicial District.
- b. 70% of domestic relations cases and related Protective Orders filed in the Verde Valley Judicial District, excluding IV-D cases. All domestic cases shall be assigned when filed and the assigned judge is responsible for temporary orders, defaults, dismissal order process, deferral/waiver of fees process and Protective Orders.
- c. Juvenile Court Judge to assist Division 6 with juvenile delinquency and dependency cases as assigned by the Presiding Juvenile Court Judge Anna Young and to hear Protective Orders in which the Defendant is a minor.
- d. All forcible entry and detainers filed in the Verde Valley Judicial District.
- e. 100% of probate cases filed in the Verde Valley Judicial District.
- f. Requests for waiver or deferral of fees filed in the Verde Valley Judicial District.

B. PRESCOTT JUDICIAL DISTRICT

1. DIVISION 1 – JUDGE MICHAEL MCGILL

- a. 50% of civil cases including injunctions filed in the Prescott Judicial District and civil cases including injunctions filed in the Prescott Judicial District that cannot be heard by Judge Napper and filed in the Verde Valley Judicial District that cannot be heard by Judge Wallace, excluding sexually violent person cases.
- b. All forcible entry and detainers filed in the Prescott Judicial District.
- c. All Requests for Expedited Process in cases assigned to a judge no longer assigned to the Prescott Judicial District.
- d. All Title 36 mental health cases filed in Yavapai County.
- e. 20% of Domestic relations cases filed in the Prescott Judicial District, excluding IV-D cases, and cases that cannot be heard by Judge Hancock or Judge Goldstein. All domestic cases shall be assigned when filed and the assigned judge is responsible for temporary orders, defaults, dismissal order process, waiver/deferral of fees process and protective orders.
- f. 30% 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 Wallace. In the event Judge McGill is not available to consider an emergency probate request then the Judicial Assistant or Clerk may contact Judge Napper, Judge Wallace, Judge Carman, Judge Phelan and Judge Bluff, in that order, to obtain consideration of the emergency request.
- g. Juvenile Court Judge to assist Division 6 with juvenile delinquency and dependency cases as assigned by the Presiding Juvenile Court Judge Anna Young and to hear Protective Orders in which the Defendant is a minor.

- h. Coverage of criminal cases and trials as assigned by the Presiding Criminal Judge.

2. DIVISION 2 – JUDGE JOHN D. NAPPER:

- a. Presiding Judge.
 - 1) Pro Tem orders of appointment for Justices of the Peace.
 - 2) Budgets.
 - 3) Change of judge for cause and change of judge as a matter of right, if contested, after a determination by the assigned judge of timeliness and waiver.
 - 4) In consultation with the Presiding Judges, case re-assignments and Case Flow Manager.
 - 5) Presiding Judge duties imposed by Arizona law unless delegated to other Judges.
- b. Presiding Civil and Probate Judge
- c. 50% of all civil cases including injunctions filed in the Prescott Judicial District and civil cases including injunctions filed in the Prescott Judicial District that cannot be heard by Judge McGill and filed in the Verde Valley Judicial District that cannot be heard by Judge Wallace, excluding sexually violent person cases.
- d. Master of the Verde Ditch.
- e. Backup on Domestic Relations and Criminal Cases as assigned.
- f. 70% of probate cases filed in the Prescott Judicial District including emergency probate requests and probate cases filed in the Prescott Judicial District that cannot be heard by Judge McGill and filed in the Verde Valley Judicial District that cannot be heard by Judge Wallace. In the event Judge Napper is not available to consider an emergency probate request then the Judicial Assistant or Clerk may contact Judge McGill, Judge

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

- g. All election contest cases in Yavapai County.
- h. Emergency Public Health cases for the Prescott Judicial District.
- i. All project S.A.F.E. (Swift, Accountable & Fair Enforcement) cases on a back-up basis.
- j. Back-up to Division 1 for Title 36 mental health cases filed in Yavapai County.
- k. Juvenile Court Judge to assist Division 6 with juvenile delinquency and dependency cases as assigned by the Presiding Juvenile Court Judge Anna Young and to hear Protective Orders in which the Defendant is a minor.
- l. All Civil and Criminal lower Court Appeals.

3. DIVISION 3 – JUDGE TINA R. AINLEY.

- a. Associate Presiding Judge.
- b. Criminal Presiding Judge

The Presiding Judge delegates the following duties to the Criminal Presiding Judge:

- 1) All initial requests for funding on behalf of indigent defendants pursuant to Rules 6.7 and 6.8, Ariz.R.Crim.P. Any subsequent Motions for funding shall be filed with the assigned judge.
- 2) Criminal Case Transfer Process.
- 3) Until January 1, 2022, in consultation with the Presiding Judge, case flow management and assignment of case coverage in criminal cases.
- c. Unless otherwise assigned by the Criminal Presiding Judge for coverage, Early Disposition Court.
- d. Grand Jury Empanelment and all Grand Jury returns.

- e. Other than cases assigned to the problem-solving courts, all probation modification, revocation and termination proceedings in the Prescott Judicial District and in the Verde Valley Judicial District. Cases shall be reassigned to Division 3 at the time of sentencing for the term of probation.
- f. Any criminal case which cannot be heard by Judge Carman, Judge Phelan or Judge Bluff after first attempting to keep the case within the assigned Judicial District.
- g. Unless otherwise assigned, out of division settlement conferences in criminal cases.
- h. 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 Ainley 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.
- i. 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.
- j. All sexually violent person cases in Yavapai County.
- k. Back-up to Division 1 for Title 36 mental health cases filed in Yavapai County.
- l. All project S.A.F.E. (Swift, Accountable & Fair Enforcement) cases in the Prescott Judicial District and the Verde Valley Judicial District.
- m. 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 Protective Orders in which the Defendant is a minor.

4. DIVISION 4 – JUDGE KRISTA M. CARMAN.

- a. 50% of the criminal cases resulting from offenses committed in the Prescott Judicial District including:
 - 1) Writs of Habeas Corpus on Prescott Judicial District cases sentenced by Judge Napper or Judge Kelly.
 - 2) Post-conviction relief (PCR) proceedings, restoration of rights, designation of offense and further action by appellate court mandate on cases sentenced by Judge Napper.
- b. 50% 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.
- c. Any criminal case which cannot be heard by another Judge with a criminal calendar after first attempting to keep the case within the assigned Judicial District.
- d. 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.
- e. All project S.A.F.E. (Swift, Accountable & Fair Enforcement) cases as back-up.
- f. Grand Jury Empanelment and Grand Jury returns as back-up.
- g. Juvenile Court Judge to assist Division 6 with juvenile delinquency and dependency cases as assigned by the Presiding Juvenile Court Judge Anna Young and to hear Protective Orders in which the Defendant is a minor.

5. DIVISION 5 – JUDGE CELÉ HANCOCK

- a. Domestic Relations Presiding Judge.

- 1) In consultation with the Presiding Judge, managing and maintaining the Yavapai County Conciliation Court.
 - 2) In consultation with the Presiding Judge, managing and maintaining the Yavapai County Parent Education Program.
 - 3) Until January 1, 2022, in consultation with the Presiding Judge, case flow management and assignment of case coverage for domestic relations cases.
- b. 80% of domestic relations cases in the Prescott Judicial District, excluding IV-D cases.
All domestic cases shall be assigned when filed and the assigned judge is responsible for temporary orders, dismissal order process, defaults, deferral/waiver of fees process and protective orders.
 - c. All Requests for Expedited Process in cases assigned in Division 5.
 - d. Juvenile Court Judge to assist Division 6 with juvenile delinquency and dependency cases as assigned by the Presiding Juvenile Court Judge Anna Young and to hear protective orders 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. Under the Administrative supervision of the Presiding Judge, the Presiding Juvenile Judge is responsible for the following:
 - 1) All duties of the Presiding Juvenile Court Judge as provided by law.
 - 2) Court Appointed Special Advocate Program.
 - 3) Foster Care Review Board.
 - 4) Community Coordination and Progress Mediation Program.
 - 5) Other duties as assigned or delegated by the Presiding Judge.

b. Juvenile Court cases, including:

- 1) All delinquency cases filed in the Prescott Judicial District and in the Verde Valley Judicial District including video delinquency detention hearings and video delinquency detention hearings for cases filed in the Verde Valley Judicial District.
- 2) Juvenile Under Supervision & Treatment (J.U.S.T.) Court in the Prescott Judicial District and in the Verde Valley Judicial District.
- 3) All dependency cases in Yavapai County.
- 4) All adoptions (AD and PB) in Yavapai County.
- 5) All termination (JD) cases in Yavapai County.
- 6) All private severance (SV) cases in Yavapai County.
- 7) 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.
- 8) Emergency Public Health cases for juveniles.

7. DIVISION PRO TEM A – DEBRA PHELAN.

a. 50% of the criminal cases resulting from offenses committed in the Prescott Judicial District including:

- 1) Writs of Habeas Corpus on Prescott Judicial District cases sentenced by Judge Ainley or Judge Kelly.
- 2) Post-conviction relief (PCR) proceedings, restoration of rights, designation of offense and further action by appellate court mandate on cases sentenced by Judge Ainley or Judge Kelly.

b. 50% 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.

- c. Any criminal case which cannot be heard by another Judge with a criminal calendar after first attempting to keep the case within the assigned Judicial District.
- d. All problem-solving courts for Yavapai County, including probation modification, revocation and termination proceedings for cases assigned to the problem-solving courts.
- e. 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.
- f. All project S.A.F.E. (Swift, Accountable & Fair Enforcement) cases as back-up.
- g. Grand Jury Empanelment and Grand Jury returns as back-up.
- h. Juvenile Court Judge to assist Division 6 with juvenile delinquency and dependency cases as assigned by the Presiding Juvenile Court Judge Anna Young and to hear Protective Orders in which the Defendant is a minor.

8. 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. 30% of domestic relations cases and related Protective Orders filed in the Verde Valley Judicial District, excluding IV-D cases, and cases that cannot be heard by Judge Wallace, Judge McGill or Judge Hancock. All domestic cases shall be assigned when filed and the assigned judge is responsible for temporary orders, dismissal order process, defaults, deferral/waiver of fees process and protective orders.
- d. Until all domestic cases are assigned, the Dismissal Order process for unassigned domestic cases in the Prescott Judicial District.

- e. All Requests for Expedited Process in cases assigned to Family Law Division in the Prescott Judicial District and in the Verde Valley Judicial District.
- f. Requests for waiver or deferral of fees filed in the Prescott Judicial District.
- g. Other cases as assigned by the Presiding Judge.

C. SEASONAL JUDGES PRO TEM.

- 1. In addition to other assignments, Seasonal Judges Pro Tem THOMAS K. KELLY, RHONDA LEE REPP AND CATHERINE J. KELLEY are assigned as Juvenile Court Judges 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 Protective Orders in which the Defendant is a minor.
- 2. Seasonal Judges Pro Tem THOMAS K. KELLY, RHONDA LEE REPP AND CATHERINE J. KELLEY may be assigned cases, including criminal, civil, injunctions, probate, domestic cases and Protective Orders as directed by the Presiding Judge.
- 3. Seasonal Judge Pro Tem THOMAS K. KELLY may be assigned to hear Early Disposition Court and Rule 17.4 criminal settlement conferences as arranged by the Presiding Criminal Judge and may be assigned criminal cases at any stage of the proceedings by the Presiding Criminal Judge through the case transfer process.
- 4. 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.

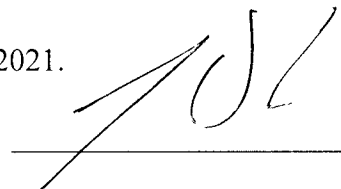
D. GENERAL CONSIDERATION.

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 Protective Orders (PO) filed as Injunctions Against Harassment (IAH) and Injunctions Against Workplace Harassment (IAWH) will be assigned to a civil judge when filed according to the above distribution.
3. Protective Orders filed as Orders of Protection will be assigned when filed to a domestic relations judge according to the above distribution.
4. Civil post-judgment and domestic relations post-decree matters shall be assigned according to the above distribution.
5. Cases heard in Early Disposition Court (EDC) shall be assigned on the record 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 Modify Conditions of Probation, Petitions to Enact, Writs of Habeas Corpus, Restoration of Rights and Designation of Offenses.
6. Cases assigned to a problem-solving court which are determined to be no longer appropriate for the problem-solving court shall remain assigned to the Judge presiding over the problem-solving Court for all future proceedings.
7. 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.

8. Criminal cases in which prosecution was deferred and a motion has been filed or there is a post-adjudication matter, with the exception of problem-solving 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.
9. 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.
10. The Presiding Judge may assign or reassign cases outside of this order as necessary.

DATED at Prescott, Arizona, on the 18th day of February, 2021.



JOHN D. NAPPER
Presiding Judge