

FILED
1115 O'Clock A.M.

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

MAR 31 2023 ✓

IN THE MATTER OF:)

JUDICIAL ASSIGNMENTS)

ADMINISTRATIVE ORDER

No. 2023-05

DONNA McQUALITY, Clerk
By: J. DEROIS

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 April 1, 2023 are made to the respective divisions of the Superior Court. This Administrative Order supersedes Administrative Order 2022-18.

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. 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.

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.
- g. 20% of all Civil and Criminal Lower Court Appeals.

2. DIVISION PRO TEM B – LINDA WALLACE.

- a. 100% of civil cases including injunctions filed in the Verde Valley Judicial District.
- b. 90% of domestic relations cases and related Protective Orders filed in the Verde Valley Judicial District, excluding IV-D cases.
- c. Master of the Verde Ditch.
- d. All Requests for Expedited Process in cases assigned to Division Pro Tem B.
- e. 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.
- f. All forcible entry and detainers filed in the Verde Valley Judicial District.
- g. 100% of probate and guardianship/conservatorship cases filed in the Verde Valley Judicial District.
- h. Requests for waiver or deferral of fees filed in the Verde Valley Judicial District.
- i. 20% of all Civil and Criminal Lower Court Appeals.

B. PRESCOTT JUDICIAL DISTRICT

1. DIVISION 1 – JUDGE MICHAEL MCGILL

a. Interim 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) After consultation with the Presiding Judge, case flow management and assignment of case coverage for domestic relations cases filed prior to April 1, 2023.
- b. 40% of Domestic relations cases filed in the Prescott Judicial District, excluding IV-D cases, and cases that cannot be heard by Judge Kelly or Judge Goldstein.
- c. 20% 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 or Judge Kelly and filed in the Verde Valley Judicial District that cannot be heard by Judge Wallace, excluding sexually violent person cases.
- d. All forcible entry and detainers filed in the Prescott Judicial District.
- e. All Requests for Expedited Process in cases assigned to Division 1 or assigned a judge no longer assigned to the Prescott Judicial District.
- f. 50% of guardianship and conservatorship 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. All sexually violent persons cases in Yavapai County.
- h. Back-up to Division 2 for Title 36 mental health cases filed in Yavapai County.
- i. 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.
- j. Coverage of criminal cases and trials as assigned by the Presiding Criminal Judge.
- k. 20% of all Civil and Criminal Lower Court Appeals.

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. 60% 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. The following problem-solving courts:

1. Adult DUI Court in the Prescott Judicial District.
2. Adult Drug Court in the Prescott Judicial District.
3. Veterans Court.

e. Co-Master of the Verde Ditch.

f. All election challenges in Yavapai County. Backup on Domestic Relations and Criminal Cases as assigned.

g. 100% of probate cases, excluding guardianship and conservatorship 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.

h. All Title 36 mental health cases filed in Yavapai County.

i. Emergency Public Health cases for the Prescott Judicial District.

j. All project S.A.F.E. (Swift, Accountable & Fair Enforcement) cases on a back-up basis.

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.

3. DIVISION 3 – JUDGE TINA R. AINLEY.

a. 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.
 - b. Unless otherwise assigned by the Criminal Presiding Judge for coverage, Early Disposition Court.
 - c. Grand Jury Empanelment and all Grand Jury returns.
 - d. All probation proceedings, including revocations and terminations, 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.
 - e. Mental Health Court in the Prescott Judicial District.
 - 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. Back-up to Division 2 for Title 36 mental health cases filed in Yavapai County.
- k. All project S.A.F.E. (Swift, Accountable & Fair Enforcement) cases in the Prescott Judicial District and the Verde Valley Judicial District.
- l. 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.
- m. 20% of all Civil and Criminal Lower Court Appeals.

4. DIVISION 4 – JUDGE KRISTA M. CARMAN.

- a. Associate Presiding Judge
- b. 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 or Judge Kelly.
- c. 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.
- d. 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.
- 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.

5. DIVISION 5 – JUDGE CELÉ HANCOCK

- a. Non-judicial duties as assigned by the Presiding Judge.
- b. **SEASONAL JUDGE PRO TEM THOMAS KELLY** will be assigned to handle the following matters, which will be assigned to him pursuant to this Administrative Order.
- c. 40% of domestic relations cases in the Prescott Judicial District, excluding IV-D cases.
- d. 20% of civil cases including injunctions filed in the Prescott Judicial District that cannot be heard by Judge McGill or Judge Napper and filed in the Verde Valley Judicial District that cannot be heard by Judge Wallace, excluding sexually violent person cases.
- e. 50% of guardianship and conservatorship 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 McGill or Judge Wallace. In the event Judge Kelly 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.

- f. 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. 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.
- h. 20% of all Civil and Criminal Lower Court Appeals.

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. 10% of domestic relations cases and related Protective Orders filed in the Verde Valley Judicial District and 20% of domestic relations cases and related Protective Orders filed in the Prescott Judicial District (excluding IV-D cases) and cases that cannot be heard by Judge Wallace, Judge McGill or Judge Kelly.
- 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. All Requests for Expedited Process in cases assigned to Division 5.
- g. Requests for waiver or deferral of fees filed in the Prescott Judicial District.
- h. 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, CATHERINE J. KELLEY, JOAN DWYER, ANGELA

BRADSHAW NAPPER, JOHN W. ERICKSON AND KRISTYNE SCHAAF-OLSON 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, CATHERINE J. KELLEY, JOAN DWYER, ANGELA BRADSHAW NAPPER, JOHN W. ERICKSON AND KRISTYNE SCHAAF-OLSON may be assigned cases, including criminal, civil, injunctions, probate, domestic cases and Protective Orders as directed by the Presiding Judge.
3. Seasonal Judges Pro Tem THOMAS K. KELLY and JOHN W. ERICKSON 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.
5. On an interim basis and until further order of the Court, Seasonal Judge Pro Tem JOHN ERICKSON is assigned to preside over the following problem-solving courts:
 - a. Adult DUI Court in the Verde Valley Judicial District.
 - b. Adult Drug Court in the Verde Valley Judicial District.
 - c. Mental Health Court in the Verde Valley Judicial District.

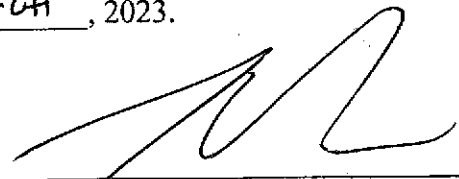
D. GENERAL CONSIDERATION.

1. At the time of Grand Jury returns, the Court will assign the case to the appropriate trial Division and set an arraignment in Division 3 of the Superior Court.
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 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 For Post-Conviction Relief, Petitions For Termination 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 therapeutic court shall be assigned to Division 3 of the Superior Court, unless otherwise ordered by the therapeutic court judge.
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 31st day of MARCH, 2023.



HON. JOHN D. NAPPER
Presiding Judge