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2019 MAY 15 PM 1:20

LYNN FARR
CLERK OF SUPERIOR COURT
YUMA, ARIZONA 85364

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

In the Matter of:
**REVISION OF
CASE ASSIGNMENTS FOR THE
SUPERIOR AND JUVENILE COURT
IN YUMA COUNTY, ARIZONA,
EFFECTIVE MAY 20, 2019,**

Administrative Order
2019-09

This Administrative Order amends and supersedes all previous Administrative Orders pertaining to calendar and case assignments for the Superior Court, in and for the County of Yuma.

IT IS THEREFORE ORDERED, effective **MAY 20, 2019**, and until further order of the Presiding Judge, assignments for the Judges and Commissioners of the Yuma County Superior Court shall be/remain as set forth below:

- (1) Mark Wayne Reeves shall remain assigned to Division One;
- (2) R. Erin Farrar shall be assigned to Division Two;
- (3) Larry Kenworthy shall remain assigned to Division Three;
- (4) David M. Haws shall remain assigned to Division Four;
- (5) Roger A. Nelson shall remain assigned to Division Five;
- (6) Brandon S. Kinsey shall remain assigned to Division Six;
- (7) Kathryn Stocking-Tate shall remain assigned as Commissioner One;
- (8) Stephen J. Rouff shall remain assigned as Commissioner Two; and
- (9) Levi Gunderson shall remain assigned as Commissioner Three.

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IT IS ORDERED, effective **MAY 20, 2019**, and until further order of the Presiding Judge, all felony criminal complaints filed in Justice Court shall be assigned by Justice Court according to the numbering system below, using the **JUSTICE COURT** case number. All cases which originate in a manner *other than by way of a felony complaint being filed in Justice Court*, shall be assigned by the Clerk of the Superior Court according to the numbering system below, using the **SUPERIOR COURT** case number. (All 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.)

- (1) All numbered cases, the last digit of which number is "0" or "1" to Division Four;
- (2) All numbered cases, the last digit of which number is "2", "3", "4" or "5" to Division Five;
- (3) All numbered cases, the last digit of which number is "6", "7" "8" or "9" to Division Six;

IT IS ORDERED, as to all criminal cases *filed prior to MAY 20, 2019*:

- (1) All open criminal cases presently assigned to the Honorable David M. Haws, Division Four, shall remain assigned to the Honorable David M. Haws, Division Four.
- (2) All open criminal cases presently assigned to the Honorable Roger A. Nelson, Division Five, shall remain assigned to the Honorable Roger A. Nelson, Division Five.
- (3) All open criminal cases presently assigned to the Honorable Brandon S.

1 Kinsey, Division Six, shall remain assigned to the Honorable Brandon
2 S. Kinsey, Division Six.

3 **IT IS ORDERED**, that all criminal cases *in which a defendant was originally*
4 *sentenced by a judge who is active and sitting as designated* in Division One,
5 Division Two, Division Three, Division Four, Division Five, and Division Six, or by
6 Commissioner One, or Commissioner Two, or Commissioner Three, (or the case has
7 been assigned to one of the above by administrative or written order), shall continue
8 to be assigned to that judge for all **Post-Conviction Relief** proceedings.

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10 **IT IS ORDERED**, that all criminal cases in which a defendant was originally
11 sentenced by a judge *other than* the Honorable David M. Haws, the Honorable Roger
12 A. Nelson, or the Honorable Brandon S. Kinsey, *if reopened*, shall be reassigned to
13 another division by written order. Such reassignments may include, but are not
14 limited to, Petitions for Violation of Probation, Petitions for Restoration of Civil Rights,
15 and Petitions to Modify Probation.

16
17 **IT IS ORDERED**, effective **MAY 20, 2019**, and until further order of the
18 Presiding Judge, the regular **CRIMINAL CALENDARS** (other than jury trials) shall be
19 held as follows:
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21
22 Division Six: **Tuesday**-8:30 a.m. to Noon and
23 1:30 p.m. to 5:00 p.m. (PVCs/VOPs at 11:00 a.m.)
24 Division Four **Wednesday**-8:30 a.m. to Noon and
25 1:30 p.m. to 5:00 p.m. (PVCs/VOPs at 11:00 a.m.)
26 Division Five: **Thursday**-8:30 a.m. to Noon and
27 1:30 p.m. to 5:00 p.m. (PVCs/VOPs at 11:00 a.m.)
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1 **IT IS ORDERED**, effective **MAY 20, 2019**, and until further order of the
2 Presiding Judge, the regular **CRIMINAL ADD-ON CALENDARS** shall be held as
3 follows:

4 **MONDAY:** **Division Five @ 8:30 a.m., Courtroom 3024**

5 **TUESDAY:** **Division Six @ 8:30 a.m., Courtroom 2028**

6 **WEDNESDAY:** **Division Four @ 8:30 a.m., Courtroom 2046**

7 **THURSDAY:** **Division Five @ 8:30 a.m., Courtroom 3024**

8 **FRIDAY:** **Division Six @ 8:30 a.m., Courtroom 2028**

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11 **IT IS ORDERED**, effective **MAY 20, 2019**, and until further order of the
12 Presiding Judge, the Honorable Roger A. Nelson, Division Five, shall assume the
13 duties associated with the **Tuesday GRAND JURY** assignment and the Honorable
14 Brandon S. Kinsey, Division Six, shall assume duties associated with the **Thursday**
15 **GRAND JURY** assignment.
16

17 **IT IS ORDERED**, effective **MAY 20, 2019**, and until further order of the
18 Presiding Judge, **ARRAIGNMENTS** shall be heard by the Honorable Roger A.
19 Nelson, Division Five, on Mondays commencing at 8:30 a.m., unless the date and
20 time is rescheduled by order of the court.
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22 **IT IS ORDERED**, effective **MAY 20, 2019**, all defendants placed into the
23 **MENTAL HEALTH SPECIALTY COURT** shall be assigned to the part-time Judge
24 Pro Tem. Mental Health Court shall be heard on Mondays commencing at 1:30 p.m.,
25 unless the date and time is rescheduled by order of the court.
26

27 **IT IS ORDERED**, effective **MAY 20, 2019**, and until further order of the
28 Presiding Judge, that all cases of the **ADULT DRUG COURT** shall be assigned to

1 Commissioner Two and Division Four. Commissioner Two Adult Drug Court shall be
2 heard on Fridays at 3:00 p.m. Division Four Adult Drug Court shall be heard on
3 Mondays at 3:00 p.m., unless the date and time is rescheduled by order of the court.

4 **IT IS ORDERED**, effective **MAY 20, 2019**, and until further order of the
5 Presiding Judge, **DOMESTIC RELATIONS CASES** filed *on or after MAY 20, 2019*,
6 shall be assigned as follows:
7

- 8 (1) All numbered cases, the last digit of which is "0", "1", or "2", shall be
9 assigned to Division Two, the Honorable R. Erin Farrar.
- 10 (2) All numbered cases, the last digit of which is "3", "4", "5" or "6" shall be
11 assigned to Division One, the Honorable Mark Wayne Reeves.
- 12 (3) All numbered cases, the last digit of which is "7", "8" or "9", shall be
13 assigned to Commissioner Three, the Honorable Levi Gunderson.
14

15 **IT IS ORDERED**, *all domestic relations cases filed prior to MAY 20, 2019*, and
16 assigned to:
17

- 18 (1) The Honorable John Paul Plante, Division Two, shall be reassigned to
19 the Honorable R. Erin Farrar.
- 20 (2) The Honorable Mark Wayne Reeves, Division One, shall remain
21 assigned to the Honorable Mark Wayne Reeves.
- 22 (3) The Honorable Levi Gunderson, Commissioner Three, shall remain
23 assigned to the Honorable Levi Gunderson.
24

25 **IT IS ORDERED** that *all domestic relations cases filed prior to May 20, 2019*,
26 that come on before the court for hearing or review after **MAY 20, 2019**, **which are**
27 ***not assigned/reassigned*** to the Honorable R. Erin Farrar, Division Two, the
28

1 Honorable Mark Wayne Reeves, Division One, or the Honorable Levi Gunderson,
2 Commissioner Three, shall be reassigned by written order.

3 **IT IS ORDERED**, beginning **MAY 20, 2019**, and until further order of the
4 Presiding Judge, all **TITLE IV-D** child support and paternity actions initiated by the
5 Arizona Attorney General's Office or initiated pursuant to the Uniform Interstate
6 Family Support Act (UIFSA), *filed on or after* **MAY 20, 2019**, regardless of the case
7 number, shall be assigned to the Honorable Levi Gunderson, Commissioner Three.
8

9 **IT IS ORDERED**, all **TITLE IV-D** child support and paternity actions initiated by
10 the Arizona Attorney General's Office or pursuant to UIFSA, *filed prior to* **MAY 20,**
11 **2019**, shall remain in their assigned division, but shall be heard by the Honorable
12 Levi Gunderson, Commissioner Three.
13

14 **IT IS ORDERED**, effective **MAY 20, 2019**, and until further order of the
15 Presiding Judge, all domestic relations **DEFAULT** actions shall be heard by the
16 Honorable R. Erin Farrar, Division Two, on Monday afternoons at 1:30 p.m.
17

18 **IT IS ORDERED**, beginning with cases filed *on or after* **MAY 20, 2019**, and
19 until further order of the Presiding Judge, that the Clerk of the Superior Court shall
20 assign **CIVIL CASES** as follows:

- 21 (1) All Civil cases shall be assigned to Division Three, the Honorable Larry
22 Kenworthy.
23

24 **IT IS ORDERED**, as to all civil cases filed *prior to* **MAY 20, 2019**:

- 25 (1) All civil cases currently assigned to the Honorable John Paul Plante,
26 Division Two, shall be reassigned to the Honorable Brandon S. Kinsey,
27 Division Six.
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- (2) All civil cases currently assigned to the Honorable Larry Kenworthy,

1 Division Three, shall remain assigned to the Honorable Larry Kenworthy.

- 2 (3) All civil cases currently assigned to the Honorable Levi Gunderson,
3 Commissioner Three, shall remain assigned to the Honorable Levi
4 Gunderson.

5 **IT IS ORDERED** that all civil cases *filed prior to MAY 20, 2019* that come on
6 before the court for hearing or review after **MAY 20, 2019, which are not**
7 **assigned/reassigned** to the Honorable Brandon S. Kinsey, Division Six, the
8 Honorable Larry Kenworthy, Division Three, or the Honorable Levi Gunderson,
9 Commissioner Three, shall be automatically reassigned to the Honorable Larry
10 Kenworthy, Division Three.

11 **IT IS ORDERED**, beginning with cases filed *on or after MAY 20, 2019*,
12 and until further order of the Presiding Judge, the **PROBATE/GUARDIANSHIP**
13 **CASE** assignments shall be as follows:

- 14 (1) All probate/guardianship cases shall be assigned on a rotation basis to
15 the Honorable Mark Wayne Reeves, Division One, and to the
16 Honorable R. Erin Farrar, Division Two, with all odd numbered cases
17 being assigned to Division One and all even numbered cases being
18 assigned to Division Two.
19 (2) All probate/guardianship cases currently assigned to the Honorable
20 Roger A. Nelson, Division Five, shall be reassigned to the Honorable R.
21 Erin Farrar, Division Two.

22 **IT IS FURTHER ORDERED** that as to Probate/Guardianship cases filed *prior*
23 *to MAY 20, 2019* that come before the court for hearing shall be assigned in the
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1 same manner with Division One being assigned all odd numbered cases and Division
2 Two being assigned all even numbered cases.

3 **IT IS ORDERED**, beginning **MAY 20, 2019**, and until further order of the
4 Presiding Judge, the **TITLE 36 MENTAL HEALTH CASE** assignments shall be as
5 follows:
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- 7 (1) All Title 36 mental health cases filed *beginning* **MAY 20, 2019**, shall be
8 assigned to the Honorable Roger A. Nelson, Division Five.
- 9 (2) Any Title 36 mental health cases filed *prior to* **MAY 20, 2019**, that come
10 before the court for hearing or review, shall automatically be reassigned
11 to the Honorable Roger A. Nelson, Division Five.
12

13 **IT IS ORDERED**, beginning **MAY 20, 2019**, and until further order of the
14 Presiding Judge, the **ELECTION CONTEST** assignments shall continue to be as
15 follows:
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- 17 (1) All "election contest" cases shall be assigned to the Honorable Larry
18 Kenworthy, Division Three; and
- 19 (2) Division Three of the Superior Court in Yuma County shall be
20 designated the "election division" of the Superior Court in Yuma County.
21

22 **IT IS ORDERED**, beginning **MAY 20, 2019**, and until further order of the
23 Presiding Judge, the **SEXUALLY VIOLENT PERSON CASE** assignments shall be
24 as follows:

- 25 (1) All civil cases where a petition has been filed seeking an order of the
26 court to detain a person as a Sexually Violent Person pursuant to the
27 Sexually Violent Persons Act, ARS §§36-3701 through 36-3716, shall
28 be assigned to the Honorable David M. Haws, Division Four. Cases

1 filed prior to **MAY 20, 2019**, that come before the court for hearing or
2 review shall be automatically reassigned to the Honorable David M.
3 Haws, Division Four.

4 **IT IS ORDERED**, that effective **MAY 20, 2019**, and until further order of the
5 Presiding Judge, the **ADOPTION CASE** assignments shall be assigned as follows:
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- 7 (1) All adoption cases shall be assigned on a rotation basis to the
8 Honorable Kathryn Stocking-Tate, Commissioner One, and to the
9 Honorable Stephen J. Rouff, Commissioner Two, with all odd numbered
10 cases being assigned to the Honorable Kathryn Stocking-Tate,
11 Commissioner One, and all even numbered cases being assigned to
12 the Honorable Stephen J. Rouff, Commissioner Two; and
13
14 (2) Any adoption case filed *prior to* **MAY 20, 2019**, that come before the
15 court for hearing or review, shall be automatically assigned on a
16 rotation basis to the Honorable Kathryn Stocking-Tate, Commissioner
17 One, and the Stephen J. Rouff, Commissioner Two, according to the
18 numbering system above.
19

20 **IT IS ORDERED**, that effective **MAY 20, 2019**, and until further order of the
21 Presiding Judge, the **JUVENILE CASE** assignments shall be assigned as follows:
22

- 23 (1) All juvenile **delinquency** cases filed *on or after* **May 20, 2019**, shall be
24 assigned on a rotating basis, with all odd numbered cases being
25 assigned to Commissioner One, and even numbered cases being
26 assigned to Commissioner Two.
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28 (2) All **dependency, severance, and emancipation** cases *filed on or after*
MAY 20, 2019, shall be assigned on an equal rotating basis between

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Commissioner One and Commissioner Two. The following considerations shall be made in the assignment of cases: (a) One Judge/one family and (b) Co-defendants shall be assigned as one case.

(3) All **Juvenile Drug Court** cases shall be assigned to Commissioner Two and shall be heard on Wednesday afternoon.

(4) All **Successful Future** cases shall be assigned to Commissioner One.

(6) **Detention hearings** assigned to Commissioner One shall be heard at 1:30 p.m. on Tuesday, Wednesday and Friday. Detention hearings assigned to Commissioner Two shall be heard at 1:30 p.m. on Monday and Thursday. (Detention hearings held on weekends and holidays shall be heard by Hearing Officers).

(7) **Dependency hearings** assigned to Commissioner One shall be held on Mondays, Tuesdays, and Wednesday afternoons. Dependency hearings assigned to Commissioner Two shall be held on Wednesday mornings and all day on Thursday and Friday.

(8) **Delinquencies** assigned to Commissioner One shall be held Wednesday morning and on Thursday and Friday. Delinquencies assigned to Commissioner Two shall be held on Monday and Tuesday.

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

4 DATED this 15th day of May 2019.

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7 
8 Honorable David M. Haws
9 Presiding Judge

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16 **Copies to:**

17 Hon. Mark Wayne Reeves, Division One
18 Hon. R. Erin Farrar, Division Two
19 Hon. Larry Kenworthy, Division Three
20 Hon. David M. Haws, Division Four
21 Hon. Roger A. Nelson, Division Five
22 Hon. Brandon S. Kinsey, Division Six
23 Hon. Kathryn Stocking-Tate, Commissioner One
24 Hon. Stephen J. Rouff, Commissioner Two
25 Hon. Levi Gunderson, Commissioner Three
26 Hon. Gregory Stewart, First Precinct Justice Court
27 Hon. Juan Guerrero, Second Precinct Justice Court
28 Hon. Russ Jones, Third Precinct Justice Court
Kathy Schaben, Clerk of the Superior Court
Kathy Schaben, Court Administrator
Nancy Gray Eade, Deputy Court Administrator
Sharayah Montgomery, Court IT Manager
Sandra Hoppough, Chief Adult Probation Officer
Tim Hardy, Director of Juvenile Court Services
Jon Smith, Yuma County Attorney
Michael Breeze, Yuma Public Defender
Terri Capozzi, Yuma Legal Defender
Shannon Gunderman, Conflict Administrator
Dona Robbins, Caseflow Manager
Yuma County Bar