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LYNN FAZZ
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 CASE ASSIGNMENTS FOR THE SUPERIOR AND JUVENILE COURT IN YUMA COUNTY, ARIZONA,** ***EFFECTIVE DECEMBER 5, 2019,***	Administrative Order **2019-24**

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 **DECEMBER 5, 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.

IT IS ORDERED, effective **DECEMBER 5, 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* **DECEMBER 5, 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.

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

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, or by Commissioner One, or Commissioner Two, or Commissioner Three, (or the case has been assigned to one of the above by administrative or written order), shall continue to be assigned to that judge for all **Post-Conviction Relief** proceedings.

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

IT IS ORDERED, effective **DECEMBER 5, 2019,** and until further order of the Presiding Judge, the regular **CRIMINAL CALENDARS** (other than jury trials) shall be held as follows:

Division Six:	**Tuesday**-8:30 a.m. to Noon and 1:30 p.m. to 5:00 p.m. (PVCs/VOPs at 11:00 a.m.)
Division Four	**Wednesday**-8:30 a.m. to Noon and 1:30 p.m. to 5:00 p.m. (PVCs/VOPs at 11:00 a.m.)
Division Five:	**Thursday**-8:30 a.m. to Noon and 1:30 p.m. to 5:00 p.m. (PVCs/VOPs at 11:00 a.m.)

IT IS ORDERED, effective **DECEMBER 5, 2019,** and until further order of the Presiding Judge, the regular **CRIMINAL** **ADD-ON** **CALENDARS** shall be held as follows:

MONDAY:	**Division Five** @ 8:30 a.m., Courtroom 3024
TUESDAY:	**Division Six** @ 8:30 a.m., Courtroom 2028
WEDNESDAY:	**Division Four** @ 8:30 a.m., Courtroom 2046
THURSDAY:	**Division Five** @ 8:30 a.m., Courtroom 3024
FRIDAY:	**Division Six** @ 8:30 a.m., Courtroom 2028

IT IS ORDERED, effective **DECEMBER 5, 2019,** and until further order of the Presiding Judge, the Honorable Roger A. Nelson, Division Five, shall assume the duties associated with the **Tuesday GRAND JURY** assignment and the Honorable Brandon S. Kinsey, Division Six, shall assume duties associated with the **Thursday GRAND JURY** assignment.

IT IS ORDERED, effective **DECEMBER 5, 2019,** and until further order of the Presiding Judge, **ARRAIGNMENTS** shall be heard by the Honorable Roger A. Nelson, Division Five, on Mondays commencing at 8:30 a.m., unless the date and time is rescheduled by order of the court.

IT IS ORDERED, effective **DECEMBER 5, 2019,** all defendants placed into the **MENTAL HEALTH SPECIALTY COURT** shall be assigned to the part-time Judge Pro Tem. Mental Health Court shall be heard on Mondays commencing at 1:30 p.m., unless the date and time is rescheduled by order of the court.

IT IS ORDERED, effective **DECEMBER 5, 2019,** and until further order of the Presiding Judge, that all cases of the **ADULT DRUG COURT** shall be assigned to

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

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

(1) All numbered cases, the last digit of which is "0", "1", "2" or "3", shall be assigned to Division Two, the Honorable R. Erin Farrar.

(2) All numbered cases, the last digit of which is "4", "5" or "6" shall be assigned to Division One, the Honorable Mark Wayne Reeves.

(3) All numbered cases, the last digit of which is "7", "8" or "9", shall be assigned to Commissioner Three, the Honorable Levi Gunderson.

IT IS ORDERED, *all domestic relations cases filed prior to* **DECEMBER 5, 2019**, and assigned to:

(1) The Honorable R. Erin Farrar, Division Two, shall remain assigned to the Honorable R. Erin Farrar.

(2) The Honorable Mark Wayne Reeves, Division One, shall remain assigned to the Honorable Mark Wayne Reeves.

(3) The Honorable Levi Gunderson, Commissioner Three, shall remain assigned to the Honorable Levi Gunderson.

IT IS ORDERED that *all domestic relations cases filed prior to* **DECEMBER 5, 2019,** that come on before the court for hearing or review after **DECEMBER 5, 2019, *which are not assigned/reassigned*** to the Honorable R. Erin Farrar, Division Two, the Honorable Mark Wayne Reeves, Division One, or the Honorable Levi Gunderson,

Commissioner Three, shall be reassigned by written order.

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

IT IS ORDERED, all **TITLE IV-D** child support and paternity actions initiated by the Arizona Attorney General's Office or pursuant to UIFSA, *filed prior to* **DECEMBER 5, 2019**, shall remain in their assigned division, but shall be heard by the Honorable Levi Gunderson, Commissioner Three.

IT IS ORDERED, effective **DECEMBER 5, 2019,** and until further order of the Presiding Judge, all domestic relations **DEFAULT** actions shall be heard by the Honorable Levi Gunderson, Commissioner Three, on Monday afternoons at 1:30 p.m., unless set for another day and time convenient to the court.

IT IS ORDERED, beginning with cases filed *on or after* **DECEMBER 5, 2019,** and until further order of the Presiding Judge, **CIVIL CASES** filed *on or after* **DECEMBER 5, 2019,** shall be assigned as follows:

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

(2) Civil *overflow* cases shall be assigned by caseflow management to Division One, the Honorable Mark Wayne Reeves, and Division Six, the Honorable Brandon S. Kinsey.

IT IS ORDERED, as to all civil cases filed *prior to* **DECEMBER 5, 2019:**

(1) All civil cases currently assigned to the Honorable Larry Kenworthy, Division Three, shall remain assigned to the Honorable Larry Kenworthy.

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

(3) All civil cases currently assigned to the Honorable Brandon S. Kinsey, Division Six, shall remain assigned to the Honorable Brandon S. Kinsey.

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

IT IS ORDERED, beginning with cases filed *on or after* **DECEMBER 5, 2019,** and until further order of the Presiding Judge, the **PROBATE/GUARDIANSHIP CASE** assignments shall be as follows:

(1) All probate/guardianship cases shall be assigned on a rotation basis to the Honorable Mark Wayne Reeves, Division One, and to the Honorable R. Erin Farrar, Division Two, with all odd numbered cases being assigned to Division One and all even numbered cases being assigned to Division Two.

IT IS FURTHER ORDERED that as to Probate/Guardianship cases filed *prior to* **DECEMBER 5, 2019** that come before the court for hearing shall be assigned in

the same manner with Division One being assigned all odd numbered cases and Division Two being assigned all even numbered cases.

IT IS ORDERED, beginning **DECEMBER 5, 2019,** and until further order of the Presiding Judge, the **TITLE 36 MENTAL HEALTH CASE** assignments shall be as follows:

(1) All Title 36 mental health cases filed *beginning* **DECEMBER 5, 2019**, shall be assigned to the Honorable Roger A. Nelson, Division Five.

(2) Any Title 36 mental health cases filed *prior to* **DECEMBER 5, 2019**, that come before the court for hearing or review, shall automatically be reassigned to the Honorable Roger A. Nelson, Division Five.

IT IS ORDERED, beginning **DECEMBER 5, 2019,** and until further order of the Presiding Judge, the **ELECTION CONTEST** assignments shall continue to be as follows:

(1) All "election contest" cases shall be assigned to the Honorable Larry Kenworthy, Division Three; and

(2) Division Three of the Superior Court in Yuma County shall be designated the "election division" of the Superior Court in Yuma County.

IT IS ORDERED, beginning **DECEMBER 5, 2019,** 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 be assigned to the Honorable David M. Haws, Division Four. Cases

filed prior to **DECEMBER 5, 2019**, that come before the court for hearing or review shall be automatically reassigned to the Honorable David M. Haws, Division Four.

IT IS ORDERED, that effective **DECEMBER 5, 2019,** and until further order of the Presiding Judge, the **ADOPTION CASE** assignments shall be assigned as follows:

(1) All adoption cases shall be assigned on a rotation basis to the Honorable Kathryn Stocking-Tate, Commissioner One, and to the Honorable Stephen J. Rouff, Commissioner Two, with all odd numbered cases being assigned to the Honorable Kathryn Stocking-Tate, Commissioner One, and all even numbered cases being assigned to the Honorable Stephen J. Rouff, Commissioner Two; and

(2) Any adoption case filed *prior to* **DECEMBER 5, 2019**, that come before the court for hearing or review, shall be automatically assigned on a rotation basis to the Honorable Kathryn Stocking-Tate, Commissioner One, and the Stephen J. Rouff, Commissioner Two, according to the numbering system above.

IT IS ORDERED, that effective **DECEMBER 5, 2019,** and until further order of the Presiding Judge, the **JUVENILE CASE** assignments shall be assigned as follows:

(1) All juvenile **delinquency** cases filed *on or after* **DECEMBER 5, 2019**, shall be assigned on a rotating basis, with all odd numbered cases being assigned to Commissioner One, and even numbered cases being assigned to Commissioner Two.

(2) All **dependency, severance, and emancipation** cases *filed on or after* **DECEMBER 5, 2019**, shall be assigned on an equal rotating basis between 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.

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

DATED this 3rd day of DECEMBER 2019.

Honorable David M. Haws
Presiding Judge

Copies to:
Hon. Mark Wayne Reeves, Division One
Hon. R. Erin Farrar, Division Two
Hon. Larry Kenworthy, Three
Hon. David M. Haws, Division Four
Hon. Roger A. Nelson, Division Five
Hon. Brandon S. Kinsey, Division Six
Hon. Kathryn Stocking-Tate, Commissioner One
Hon. Stephen J. Rouff, Commissioner Two
Hon. Levi Gunderson, Commissioner Three
Hon. Gregory Stewart, First Precinct Justice Court
Hon. Juan Guerrero, Second Precinct Justice Court
Hon. Russ Jones, Third Precinct Justice Court
Hon. Lynn Fazz, 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