

FILED

2016 SEP 22 PM 4: 37

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 CALENDAR AND  
CASE ASSIGNMENTS FOR THE  
SUPERIOR COURT IN YUMA  
COUNTY, ARIZONA,  
EFFECTIVE SEPTEMBER 26, 2016,**

Administrative Order  
**2016-33**

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 **SEPTEMBER 26, 2016**, 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) John Paul Plante shall remain 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) Maria Elena Cruz 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 be assigned as Commissioner Three.

1           **IT IS ORDERED**, effective **SEPTEMBER 26, 2016**, and until further order of  
2 the Presiding Judge, the **CRIMINAL CASE** assignments shall be as follows:

3           Beginning with cases filed *on or after* **SEPTEMBER 26, 2016**, and until further  
4 order of the Presiding Judge, all felony criminal complaints filed in Justice Court shall  
5 continue to be assigned on a rotation basis in Justice Court, with the division rotation  
6 for assignment of Superior Court Cases being, Division Four, Division Five, Division  
7 Six, and Commissioner Two. All co-defendant cases shall continue to be assigned to  
8 the same Superior Court Division. In order to facilitate this procedure, the Yuma  
9 County Attorney's Office shall continue to file a Notice of Filing Co-Defendant  
10 Complaints when filing co-defendant cases in Justice Court.

11           **IT IS ORDERED**, that in criminal cases filed *on or after* **SEPTEMBER 26,**  
12 **2016**, which originate in a manner other than by way of a felony complaint being filed  
13 *in Justice Court*, the Clerk of the Superior Court shall assign these cases as follows:

- 14           (1) All numbered cases, the last digit of which number is "0", "1", "2", or "3"  
15 to Division Four;  
16           (2) All numbered cases, the last digit of which number is "4", "5", or "6" to  
17 Division Five;  
18           (3) All numbered cases, the last digit of which number is "7" or "8" to  
19 Division Six;  
20           (4) All numbered cases, the last digit of which number is "9" to  
21 Commissioner Two;

22           **IT IS ORDERED**, as to all criminal cases filed *prior to* **SEPTEMBER 26, 2016**:

- 23           (1) All open criminal cases presently assigned to the Honorable Larry  
24 Kenworthy, Division Three, shall remain assigned to the Honorable  
25

1 Larry Kenworthy until they are adjudicated or unless reassigned by  
2 written order. All criminal cases presently assigned to the Honorable  
3 Larry Kenworthy with an outstanding warrant, or adjudicated criminal  
4 cases that are subsequently reopened, shall be reassigned by written  
5 order.

6  
7 (2) All open criminal cases presently assigned to the Honorable David M.  
8 Haws, Division Four, shall remain assigned to the Honorable David M.  
9 Haws, Division Four.

10 (3) All open criminal cases presently assigned to the Honorable Roger A.  
11 Nelson, Division Five, shall remain assigned to the Honorable Roger  
12 A. Nelson, Division Five.

13  
14 (4) All open criminal cases presently assigned to the Honorable Maria  
15 Elena Cruz, Division Six, shall remain assigned to the Honorable Maria  
16 Elena Cruz, Division Six.

17  
18 (5) All open criminal cases presently assigned to the Honorable Stephen J.  
19 Rouff, Commissioner Two, shall remain assigned to the Honorable  
20 Stephen J. Rouff, Commissioner Two.

21 **IT IS ORDERED**, that all criminal cases *in which a defendant was originally*  
22 *sentenced by a judge who is active and sitting as designated* in Division One,  
23 Division Two, Division Three, Division Four, Division Five, and Division Six, or by  
24 Commissioner One, or Commissioner Two, or Commissioner Three, (or the case has  
25 been assigned to one of the above by administrative or written order), shall continue  
26 to be assigned to that judge for all Petitions for **Post-Conviction Relief** proceedings.  
27  
28

1           **IT IS ORDERED**, beginning **SEPTEMBER 26, 2016**, that all criminal cases in  
2 which a defendant was originally sentenced by a Judge *other than* the Honorable  
3 David M. Haws, the Honorable Roger A. Nelson, the Honorable Maria Elena Cruz,  
4 and the Honorable Stephen J. Rouff, *if reopened*, shall be reassigned to another  
5 division by written order. Such reassignments shall include, but are not limited to,  
6 Petitions for Violation of Probation, Petitions for Restoration of Civil Rights, and  
7 Petitions to Modify Probation.  
8

9           **IT IS ORDERED**, effective **SEPTEMBER 26, 2016**, and until further order of  
10 the Presiding Judge, the regular **CRIMINAL CALENDARS** (other than jury trials)  
11 shall be held as follows:  
12

13           Comm. Two:           **Tuesday**-8:30 a.m. to Noon and  
  1:30 p.m. to 5:00 p.m. (PVCs/VOPs at 11:00 a.m.)  
14  
15           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.)  
16  
17           Division Six:         **Wednesday**-8:30 a.m. to Noon and  
  1:30 p.m. to 5:00 p.m. (PVCs/VOPs at 11:00 a.m.)  
18  
19           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.)  
20

21           **IT IS ORDERED**, effective **SEPTEMBER 26, 2016**, and until further order of  
22 the Presiding Judge, the regular **CRIMINAL ADD ON CALENDARS** shall be held as  
23 follows:  
24

25           **MONDAY:**            **Division Four @ 8:30 a.m., Courtroom 2028**  
26           **TUESDAY:**         **Commissioner Two @ 8:30 a.m., Courtroom 3027**  
27           **WEDNESDAY:**       **Division Four @ 8:30 a.m., Courtroom 2028**  
28           **THURSDAY:**         **Division Five @ 8:30 a.m., Courtroom 3024**  
  **FRIDAY:**               **Division Two @ 8:30 a.m., Historic Courtroom 316**

1           **IT IS ORDERED**, effective **SEPTEMBER 26, 2016**, and until further order of  
2 the Presiding Judge, all Motions to Review Conditions of Release shall continue to be  
3 heard before the assigned Judge/Division.  
4

5           **IT IS ORDERED**, effective **SEPTEMBER 26, 2016**, and until further order of  
6 the Presiding Judge, the Honorable John Paul Plante shall continue to assume the  
7 primary assignment of all matters pertaining to a **GRAND JURY** requiring the  
8 attention of a Superior Court Judge in Yuma County.  
9

10           **IT IS ORDERED**, effective **SEPTEMBER 26, 2016**, and until further order of  
11 the Presiding Judge, all **ARRAIGNMENTS** shall be heard by the Honorable David M.  
12 Haws, Division Four, on Mondays commencing at 8:30 a.m., unless the date and  
13 time is rescheduled by order of the court.  
14

15           **IT IS ORDERED**, effective **SEPTEMBER 26, 2016**, all defendants placed into  
16 the Yuma County Adult Probation Department's **S.A.F.E.** program shall continue to  
17 be assigned to the Honorable Maria Elena Cruz, Division Six.  
18

19           **IT IS ORDERED** that **LAW AND MOTION DAY** shall continue to be the first  
20 working day of each week, with proceedings being held on that day unless otherwise  
21 set by the Judge assigned to a particular case.  
22

23           **IT IS ORDERED**, effective **SEPTEMBER 26, 2016**, all defendants placed into  
24 the **MENTAL HEALTH SPECIALTY COURT** shall be assigned to the part-time  
25 Judge Pro Tem. Mental Health Court shall be heard on Mondays commencing at  
26 1:30 p.m., unless the date and time is rescheduled by order of the court.  
27

28           **IT IS ORDERED**, effective **SEPTEMBER 26, 2016**, and until further order of  
the Presiding Judge, that all cases of the **ADULT DRUG COURT** shall be assigned

1 to Commissioner Two and Division Six. Commissioner Two Adult Drug Court shall be  
2 heard on Fridays at 3:00 p.m. The Honorable Andrew W. Gould, Superior Court  
3 Judge Pro Tem, shall be assigned to cover Commissioner Two Drug Court until  
4 further order of the Court. Division Six Adult Drug Court shall be heard on Thursdays  
5 at 3:00 p.m.

6  
7 **IT IS ORDERED**, effective **SEPTEMBER 26, 2016**, and until further order of  
8 the Presiding Judge, **DOMESTIC RELATIONS CASES**, *including Title IV-D child*  
9 *support actions initiated by the Arizona Attorney General's Office*, filed beginning  
10 **SEPTEMBER 26, 2016**, shall be assigned as follows:

- 11 (1) All numbered cases, the last digit of which is "0", "1", "2" or "3", shall be  
12 assigned to Division Two, the Honorable John Paul Plante.
- 13 (2) All numbered cases, the last digit of which is "4", "5", "6", or "7", shall be  
14 assigned to Commissioner Two, the Honorable Stephen J. Rouff.
- 15 (3) All numbered cases, the last digit of which is "8", or "9", shall be  
16 assigned to Commissioner Three, the Honorable Levi Gunderson.
- 17
- 18

19 **IT IS ORDERED**, beginning **SEPTEMBER 26, 2016**, and until further order of  
20 the Presiding Judge, all **TITLE IV-D** child support actions initiated by the Arizona  
21 Attorney General's Office shall continue **to be heard by** the Honorable Kathryn  
22 Stocking-Tate, Commissioner One.

23  
24 **IT IS ORDERED**, all domestic relations cases filed *prior to September 26,*  
25 **2016**, and assigned or administratively reassigned to:

- 26 (1) The Honorable John Paul Plante, Division Two, shall remain assigned  
27 to the Honorable John Paul Plante.
- 28

1 (2) The Honorable Stephen J. Rouff, Commissioner Two, shall remain  
2 assigned to the Honorable Stephen J. Rouff.

3 (3) The Honorable Roger A. Nelson, Division Five, shall remain assigned to  
4 the Honorable Roger A. Nelson.

5 (3) The Honorable Lisa W. Bleich, Commissioner Three, shall be  
6 reassigned to the Honorable Levi Gunderson, Commissioner Three.  
7

8 **IT IS ORDERED** that any domestic relations cases filed *prior to September*  
9 **26, 2016** that come on before the court for hearing or review after **SEPTEMBER 26,**  
10 **2016**, which are not assigned/reassigned to the Honorable John Paul Plante, Division  
11 Two, the Honorable Stephen J. Rouff, Commissioner Two, the Honorable Roger A.  
12 Nelson, Division Five, or the Honorable Levi Gunderson, Commissioner Three, shall  
13 be reassigned by written order.  
14

15 **IT IS ORDERED**, effective **SEPTEMBER 26, 2016**, and until further order of  
16 the Presiding Judge, all domestic relations **DEFAULT** actions shall be heard by the  
17 Honorable John Paul Plante, Division Two, on Monday afternoons at 1:30 p.m.  
18

19 **IT IS ORDERED** beginning with cases filed *on or after* **SEPTEMBER 26,**  
20 **2016**, and until further order of the Presiding Judge, that the Clerk of the Superior  
21 Court shall assign **CIVIL CASES** as follows:

22 (1) All Civil cases shall be assigned to Division Three, the Honorable Larry  
23 Kenworthy.  
24

25 **IT IS ORDERED**, as to all civil cases filed *prior to* **SEPTEMBER 26, 2016**:

26 (1) All civil cases currently assigned to the Honorable John Paul Plante,  
27 Division Two, shall remain assigned to the Honorable John Paul Plante.

28 (2) All civil cases currently assigned to the Honorable Larry Kenworthy,

1 Division Three, shall continue to be assigned to the Honorable Larry  
2 Kenworthy, Division Three.

3 (3) All civil cases currently assigned to the Honorable David M. Haws,  
4 Division Four, shall be reassigned to the Honorable Levi Gunderson,  
5 Commissioner Three, unless retained by written order.

6 (4) All civil cases currently assigned to the Honorable Roger A. Nelson,  
7 Division Five, shall be reassigned to the Honorable Levi Gunderson,  
8 Commissioner Three, unless retained by written order.

9  
10 **IT IS ORDERED**, beginning with cases filed *on or after* **September 26, 2016**,  
11 and until further order of the Presiding Judge, the **PROBATE/GUARDIANSHIP**  
12 **CASE** assignments shall be as follows:

13  
14 (1) All probate/guardianship cases shall be assigned on a rotation basis to  
15 the Honorable Larry Kenworthy, Division Three and to the Honorable,  
16 Roger A. Nelson, Division Five, with all odd numbered cases being  
17 assigned to Division Three and all even numbered cases being  
18 assigned to Division Five.

19  
20 **IT IS FURTHER ORDERED** that as to Probate/Guardianship cases filed *prior*  
21 *to* **SEPTEMBER 26, 2016**:

22 (1) All probate/guardianship cases currently assigned to the Honorable  
23 Larry Kenworthy, Division Three, shall continue to be assigned to the  
24 Honorable Larry Kenworthy, Division Three.

25 (2) All probate/guardianship cases currently assigned to the Honorable  
26 Roger A. Nelson, Division Five, shall continue to be assigned to the  
27 Honorable Roger A. Nelson, Division Five.  
28

1           **IT IS ORDERED**, beginning **SEPTEMBER 26, 2016**, and until further order of  
2 the Presiding Judge, the **TITLE 36 MENTAL HEALTH CASE** assignments shall be  
3 as follows:

- 4           (1) All Title 36 mental health cases filed beginning **SEPTEMBER 26, 2016**,  
5 shall be assigned to the Honorable David M. Haws, Division Four.  
6  
7           (2) Any Title 36 mental health cases filed *prior to* **SEPTEMBER 26, 2016**  
8 that come before the court for hearing or review, shall automatically be  
9 reassigned to the Honorable David M. Haws, Division Four.

10           **IT IS ORDERED**, beginning **SEPTEMBER 26, 2016**, and until further order of  
11 the Presiding Judge, the **ELECTION CONTEST** assignments shall continue to be as  
12 follows:  
13

- 14           (1) All "election contest" cases shall be assigned to the Honorable Larry  
15 Kenworthy, Division Three; and  
16  
17           (2) Division Three of the Superior Court in Yuma County shall be  
18 designated the "election division" of the Superior Court in Yuma County.

19           **IT IS ORDERED**, beginning **SEPTEMBER 26, 2016**, and until further order of  
20 the Presiding Judge, the **SEXUALLY VIOLENT PERSON CASE** assignments shall  
21 be as follows:  
22

- 23           (1) All civil cases where a petition has been filed seeking an order of the  
24 court to detain a person as a Sexually Violent Person pursuant to the  
25 Sexually Violent Persons Act, ARS §§36-3701 through 36-3716, shall  
26 be assigned to the Honorable David M. Haws, Division Four. Cases  
27 filed prior to **SEPTEMBER 26, 2016**, that come before the court for  
28

1 hearing or review shall be automatically reassigned to the Honorable  
2 David M. Haws, Division Four.

3 **IT IS ORDERED**, that effective **SEPTEMBER 26, 2016**, and until further order  
4 of the Presiding Judge, the **ADOPTION CASE** assignments shall continue to be  
5 assigned as follows:

- 6
- 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 Mark Wayne Reeves, Division One, 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 Mark Wayne Reeves, Division One; and
- 13
- 14 (2) Any adoption case filed *prior to* SEPTEMBER 26, 2016, that come  
15 before the court for hearing or review, shall be automatically assigned  
16 on a rotation basis to the Honorable Kathryn Stocking-Tate,  
17 Commissioner One, and the Honorable Mark Wayne Reeves, Division  
18 One, according to the numbering system above.
- 19

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

23 **DATED** this 2<sup>nd</sup> day of September, 2016.

24

25

26   
\_\_\_\_\_  
Honorable Maria Elena Cruz  
Presiding Judge

27

28 

**Copies to:**

- 1 Hon. Mark Wayne Reeves, Division One
- 2 Hon. John Paul Plante, Division Two
- 3 Hon. Larry Kenworthy, Three
- 4 Hon. David M. Haws, Division Four
- 5 Hon. Roger A. Nelson, Division Five
- 6 Hon. Maria Elena Cruz, Division Six
- 7 Hon. Kathryn Stocking-Tate, Commissioner One
- 8 Hon. Stephen J. Rouff, Commissioner Two
- 9 Hon. Levi Gunderson, Commissioner Three
- 10 Hon. Andrew W. Gould, Superior Court Judge Pro Tem
- 11 Hon. Gregory Stewart, First Precinct Justice Court
- 12 Hon. Juan Guerrero, Second Precinct Justice Court
- 13 Hon. Russ Jones, Third Precinct Justice Court
- 14 Hon. Lynn Fazz, Clerk of the Superior Court
- 15 Margaret C. Guidero, Court Administrator
- 16 Kathy Schaben, Trial Court Administrator
- 17 Sharayah Montgomery, Court IT Manager
- 18 Sandi Hoppough, Chief Adult Probation Officer
- 19 Tim Hardy, Director of Juvenile Court Services
- 20 Jon Smith, Yuma County Attorney
- 21 Michael Breeze, Yuma Public Defender
- 22 Terri Capozzi, Yuma Legal Defender
- 23 Shannon Gunderman, Conflict Administrator
- 24 Dona Miller-Robbins, Casflow Manager
- 25 Yuma County Bar