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KRISTI YOUTSEY RUIZ
CLERK OF SUPERIOR COURT

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BY MK
DEPUTY

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

Pilot Program for)
Probation & Restoration Court (PRC)) ADMINISTRATIVE ORDER
Calendar and Judicial Assignment)
) NO. 2010-00 666
)
_____)

WHEREAS the Presiding Judge of the Superior Court of Arizona in Pinal County exercises administrative supervision over the Judicial Branch of Government in Pinal County;

WHEREAS the early resolution of petitions to revoke probation, as well as any petition or motions to modify probation or restore rights, will benefit the litigants, victims, Courts and taxpayers;

IT IS HEREBY ORDERED establishing the *Probation & Restoration Court* (hereinafter "*PRC*") within the Superior Court of Arizona, Pinal County, which shall be a scheduled calendar and regular judicial assignment in the Pinal County Superior Courthouse every Thursday, at 1:30 p.m., or as otherwise ordered by the Presiding Judge, and shall operate as follows:

1. Any proceeding under Rule 27 or 29, *Ariz.R.Crim.P.* is assigned to the *PRC* Judge and shall be set for hearing on the *PRC* calendar, unless the Presiding Criminal Judge has filed a prior written Order,¹ directed to the Adult Probation Office, memorializing that any subsequent petition in a particular case shall be assigned to the original sentencing judge, if that judge is still assigned to the Criminal Bench.

¹ A written Order, concerning subsequent petitions, shall be the rare exception when the best interests of justice favor having the sentencing judge assigned to preside over the term of probation, as determined in the sole discretion of the Presiding Criminal Judge, and the Adult Probation Office shall inform the Court if such an Order has been issued. **Any such written orders by the Presiding Criminal Judge to return a case to the sentencing judge shall expire on June 30, 2011, unless such orders are extended by subsequent Administrative Order of the Presiding Judge.**

2. All revocation arraignments for matters herein assigned to the *PRC* Judge shall be set on a *PRC* Calendar, no more than seven days after service of a summons or the probationer's initial appearance, pursuant to Rule 27.8(a).
3. Upon receipt by the Clerk of the Superior Court of any Rule 29 application to vacate a conviction or restore rights, pursuant to A.R.S. §§ 13-905 through 13-912, the application shall be filed in accordance with Local Rule 6.3, without setting a hearing, and the Clerk of the Court shall promptly forward the application and appropriate court file to the *PRC* Judge, who shall review the application and order the Adult Probation Office to conduct such additional investigation as the Judge requires. If the *PRC* Judge determines that the application is not properly before this Court, an Order summarily denying relief shall be issued, setting forth the reasons with particularity, otherwise a hearing shall be set in not less than thirty days, with notice provided by the Clerk of the Court to the prosecutor and, if a felony, to the Attorney General.
4. If the *PRC* Judge orders the Adult Probation Office to make a recommendation on any proceeding under Rule 27 or 29, that standard report shall be in a form prescribed by the Chief Probation Officer.
5. As a general practice, when the signature of a judge is required by the Adult Probation Office, that request shall be brought to the *PRC* Judge for review and possible signature.
6. All hearings in *PRC* shall be set in accordance with the scheduling deadlines established by the *Arizona Rules of Criminal Procedure*, except if modified by stipulation, such as any agreement to conduct multiple hearings in one proceeding.²
7. If a probationer elects to admit to one or more allegations of a revocation petition, or if the matter is not otherwise contested, the *PRC* Judge shall have authority to fully adjudicate the matter, including but not limited to hearing any admission, ordering any necessary predisposition report, reinstating, modifying, terminating probation, otherwise imposing sentence, or any request to restore rights and vacate a conviction, depending upon the matter being adjudicated.
8. Upon oral or written motion, setting forth good cause to continue the matter in *PRC* rather than setting the matter for contested hearing, as provided below, the proceeding in *PRC* may be continued in the discretion of the *PRC* Judge; such continuances should generally be excluded from time calculations.

² Any waiver of a separately scheduled Disposition Hearing, pursuant to Rule 27.8(d), *Ariz. R. Crim. R.*, is not a matter of right, particularly if a probation officer is not prepared to give an oral or written recommendation or if Victims' Rights will be violated.

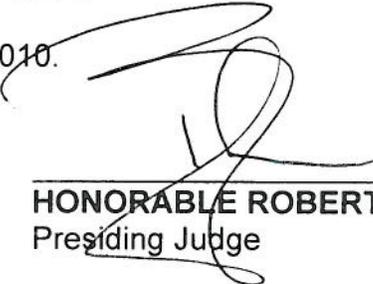
9. Any matters involving the same person, which are pending in *EDC* and *PRC*, may be jointly adjudicated in either *EDC* or *PRC* upon stipulation of the parties, subject to the procedures and limitations of both *EDC* and *PRC*.
10. If the *PRC* Judge sets the matter for a contested hearing, the *PRC* Judge shall promptly reassign the matter and set a firm hearing date before the original trial judge, if the trial judge is still assigned to the Criminal Bench, or before such other judge as directed by the Presiding Criminal Judge. The contested hearing shall be heard within the time provided by rule, upon such regular day and time as the assigned judge shall establish, and the *PRC* Judge shall prepare and distribute such notices of contested hearings as the Presiding Criminal Judge shall require. Thereafter, the *PRC* Judge shall have no further authority to adjudicate the petition or motion, unless the Presiding Criminal Judge directs the *PRC* Judge to preside over the contested hearing.
11. When court appointment of counsel is appropriate, the *PRC* Judge shall appoint counsel in the following order of priority: (1) the Public Defender, to the extent authorized by law and when able in fact to do so; (2) trial counsel, if eligible for the court appointment; and (3) alternate court-appointed private counsel from the current appointment list.
12. *PRC* shall fully honor Victims' Rights.
13. Any authority granted to a specialty or therapeutic court, such as *Domestic Violence Court* or *Adult Drug Court*, is not modified by this Administrative Order, except any revocation petition that is otherwise returned to the Criminal Bench shall hereafter be assigned and adjudicated pursuant to this Administrative Order.

FURTHER, that the judicial officer assigned to *PRC* shall be designated from time-to-time by the Presiding Judge. The initial *PRC* Judge shall be the Hon. Henry Gooday, Judge of the Superior Court *Pro Tempore*.

FURTHER, that this shall be a pilot program of the Pinal County Superior Court, which may be reduced to proposed local rules, after the details of this program are approved in a final form.

Effective immediately; this Amended Administrative Order shall supersede and replace Administrative Order No. 2010-0060.

DATED this 12th day of April, 2010.



HONORABLE ROBERT CARTER OLSON
Presiding Judge

Original: Filed with the Clerk of the Superior Court
Copies: Judges of the Superior Court
Kristi Youtsey Ruiz, Clerk of the Superior Court
James Walsh, County Attorney
Mary Wisdom, Public Defender
Richard Platt, Chief Criminal Deputy County Attorney
Attorneys practicing in Pinal County
Odette Apodaca, Director COSC
Flora Flores – Administrator COSC
Dana Crawford, Administrator COSC
Monica Rios, Manager of Customer Service
Mary Jane Dameron, Victim's Assistance
Todd Zweig, Adult Probation
Pinal County Sheriff
Court Administration