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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

In Re: The Establishment of Policies )  
and Procedures for Probation Violation ) ADMINISTRATIVE ORDER  
Court (PVC) for Pinal County )  
 ) NO. 2010-0060  
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**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, will benefit the litigants, victims, Courts and taxpayers; and good cause appearing;

**IT IS HEREBY ORDERED** establishing the *Probation Violation Court* (hereinafter "PVC") within the Superior Court of Arizona, Pinal County, which shall be scheduled in the Pinal County Superior Courthouse every Thursday, at 1:30 p.m., or as otherwise ordered by the Presiding Judge, and shall operate according to the following procedures:

1. Any proceeding under Rule 27 or 29, *Ariz.R.Crim.P.* is assigned to the PVC Judge and shall be set for hearing on the PVC calendar, unless the Presiding Criminal Judge has filed a written Order,<sup>1</sup> directed to the Adult Probation Office,

<sup>1</sup> A written Order, concerning subsequent petitions, shall be the rare exception, if the best interests of justice favor having the sentencing judge continue to preside over the term of probation, as determined in the sole discretion of the Presiding Criminal Judge. Upon filing a subsequent petition or motion, 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, and thereafter shall be assigned to the PVC Judge, unless such orders are extended by subsequent Administrative Order of the Presiding Judge.**

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.

2. As a general practice, when the signature of a judge is required, the Adult Probation Office shall bring such matters to the *PVC* Judge for review and signature.
3. All hearings in *PVC* 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.<sup>2</sup>
4. If a probationer elects to admit to one or more allegations of a petition, or if the petition or motion is not otherwise contested, the *PVC* 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.
5. Upon oral or written motion, setting forth good cause to keep the case in *PVC* rather than setting the matter for contested hearing, as provided below, the proceeding in *PVC* may be continued in the discretion of the *PVC* Judge.
6. Any matters involving the same person, which are pending in *EDC* and *PVC*, may be jointly adjudicated in either *EDC* or *PVC*, subject to the procedures and limitations of both *EDC* and *PVC*.
7. If a probationer requests a contested hearing, the *PVC* Judge shall promptly reassign the matter and, after consulting with the Judicial Assistant for the respective judge, set a firm date at the earliest appropriate date before the original trial judge, if the trial judge is still assigned to the Criminal Bench, or the *PVC* Judge shall transfer the case to the Presiding Criminal Judge for reassignment. That assigned judge shall thereafter retain the case for any Disposition Hearing, and the *PVC* Judge shall have no further authority to adjudicate the petition or motion.
8. The *PVC* Judge shall appoint the Public Defender, when appointed counsel is required, except if a current conflict precludes the Public Defender from accepting the appointment. If a conflict exists, a contracting private attorney shall be appointed, pursuant to applicable Administrative Order(s).

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<sup>2</sup> Any waiver of a separately scheduled Disposition Hearing, pursuant to Rule 27.8(d), *Ariz.R.Crim.R.*, shall not be accepted, unless a probation officer is prepared to give an oral or written recommendation, and provided that imposing sentence at that time shall not violate Victims' Rights.

9. *PVC* shall fully honor Victims' Rights.
10. 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 *PVC* shall be designated from time-to-time by the Presiding Judge. The initial *PVC* Judge shall be the Hon. Henry Goodday, Judge of the Superior Court *Pro Tempore*.

Effective immediately, and the *PVC* calendar shall commence on Thursday, March 4, 2010.

DATED this 24th day of February, 2010.



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**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