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2015 JUN 24 PM 2:01

BY DP
DEPUTY

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

In Re: The Establishment of Policy)
and Procedures for Early Disposition) **ADMINISTRATIVE ORDER**
Court (EDC) for Pinal County)
Amending Pinal County Superior Court) **NO. 2015-00033**
Administrative Order No. 2010-0065)
_____)

WHEREAS the Presiding Judge of the Superior Court of Arizona in Pinal County exercises administrative supervision over the Superior Court, Clerk of the Superior Court and Justice of the Peace courts;

WHEREAS the expeditious resolution of pending criminal matters can benefit the litigants, victims, Courts and taxpayers, and is mandated or favorably sanctioned both in rules and guidelines adopted by the Supreme Court of Arizona and the American Bar Association;

IT IS HEREBY ORDERED establishing the *Early Disposition Court* (hereinafter "*EDC*") within the Superior Court of Arizona, Pinal County, which shall be a scheduled calendar and regular judicial assignment in the Pinal County Superior Court as ordered by the Presiding Judge, and at times established by the *EDC* Judge, and operate as follows:

1. A criminal case may be identified for *EDC* upon the prosecutor filing a Direct Complaint in the Superior Court, identifying the case as *EDC*. A summons may issue by the Clerk of the Superior Court, setting such cases for *EDC*/Arrestment on a regular *EDC* calendar in the Pinal County Superior Courthouse in Florence, which shall serve for the *EDC* as a regional justice court facility.¹
2. The Clerk of the Superior Court shall file the original complaint in a Superior Court (CR) file.

¹ Except as otherwise restricted in this Administrative Order, this Administrative Order shall not preclude the County Attorney from alternatively identifying cases for *EDC* at Initial Appearance or when a Warrant is issued.

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3. At the EDC/IA hearing, the Court shall operate as a court of record, with minutes kept by the Clerk of the Superior Court.
4. The defendant shall be properly advised of the charge(s) and rights, as required by Constitutional provisions, statutes and Court rules. If not previously ordered, the *EDC* Judge shall set release conditions, appoint counsel, if appropriate, and set or affirm a preliminary hearing in the appropriate Court, except upon an alternative agreement of the parties.
5. Upon oral or written motion, setting forth good cause to keep the case in *EDC*, the *EDC*/Arraignment hearing may be continued, as defined by the Presiding Judge.
6. The *EDC* Judge shall have full authority to adjudicate the matter, including but not limited to hearing a change of plea or admission, ordering a presentence/predisposition investigation, and imposing sentence.² The authority of the *EDC* Judge with respect to any matter assigned to *EDC* shall terminate when the case is reassigned or set for hearing before another judge.³
7. When appointment of counsel is appropriate, the *EDC* Judge shall appoint the Public Defender or alternative private counsel. The Presiding Judge shall designate from time-to-time alternate private counsel to attend *EDC* for limited conflict appointment in *EDC* Court. Barring unusual circumstances, alternate private counsel shall not be appointed by the *EDC* Judge to continue the engagement outside of *EDC*.
8. No case may return to *EDC* after the *EDC* Judge has reassigned or set the matter before another judge.
9. *EDC* shall fully honor Victims' Rights, and the prosecutor shall give timely notice to victims, detailing the *EDC*/Arraignment schedule, plea offer, possibility of change of plea, sentencing and restitution.
10. This Administrative Order shall not be construed to impair, restrict or limit any constitutional or statutory right, or conflict with any applicable court rule, except by a valid and binding waiver or agreement of the parties.

² The *EDC* Judge may adjudicate any petition to revoke probation involving an *EDC* defendant unless the Presiding Criminal Judge has filed a written order, 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. See Administrative Order 2010-0060.

³ Cases that are transferred by the *EDC* Judge within the Superior Court shall be assigned to a trial division, pursuant to the standing Administrative Order concerning the assignment of adult criminal cases.

FURTHER, that the judicial officer assigned to *EDC* shall be designated by the Presiding Judge.

DATED this 22 day of JUNE, 2015.



HONORABLE STEPHEN F. MCCARVILLE
Presiding Judge

Original: Filed with the Clerk of the Superior Court
Copies: Judges of the Superior Court
Amanda Stanford, Clerk of the Superior Court
Lando Voyles, County Attorney
James Mannato, Public Defender
Attorneys practicing in Pinal County
Cindy Roup, Adult Probation
Paul Babeu, Pinal County Sheriff
Todd Zweig, Court Administrator