

FILED
AMANDA STANFORD
CLERK OF SUPERIOR COURT

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: Probation & Restoration)
Court Calendar (PRC))
and Judicial Assignment)
Amending Pinal County Superior Court)
Administrative Order No. 2010-0066)
_____)

ADMINISTRATIVE ORDER
NO. 2015-00 032

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 as 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.
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

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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. 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.
5. 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.
6. 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.
7. 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.
8. 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*.
9. 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) alternate court-appointed private counsel from the current appointment list.
10. *PRC* shall fully honor Victims' Rights.

FURTHER, that the judicial officer assigned to *PRC* 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