

the justice of the peace courts in their counties; and exercise administrative supervision over the municipal courts in their counties.

The presiding judge has ultimate administrative authority over the assignment of all judges and the manner in which cases are filed, scheduled, tried and decided. (Administrative Order 96-32 and Administrative Rule V-A(III)).

Historically, the integrated judiciary of Apache County has addressed preliminary hearings on a justice precinct jurisdictional basis (i.e. if an alleged felony occurred within the boundaries of a justice precinct, the felony complaint would be filed in that particular justice court and the justice of the peace, acting in the capacity of a magistrate, would handle all preliminary hearing responsibilities). This administrative model requires Deputy County Attorneys, defense attorneys, and jail transport to travel to the justice courts throughout the county each week to address preliminary hearing matters. As of the date of this Administrative Order, Apache County has only one adult jail facility located at the county seat of St. Johns that handles all inmate transport throughout the county and beyond. Therefore, on a weekly basis, Deputy County Attorneys, defense attorneys, and jail transport separately travel over 100 miles to the Puerco Justice Court, over 56 miles to the Round Valley Justice Court, and occasionally over 270 miles to the Chinle Justice Court to address preliminary hearingsⁱ. Further, with respect to the contract defense attorneysⁱⁱ, the current administrative model requires them to be on the road Thursday and Friday and occasionally Tuesday, in addition to their other court responsibilities on Monday, Tuesday and Wednesday. Therefore, the amount of time they could be working on their clients' cases and visiting with their clients is diminished due to the amount of time they are on the road. As of the date of this Administrative Order, the vast majority of preliminary hearings are waived pursuant to statuteⁱⁱⁱ.

This administrative model of handling preliminary hearings also creates scheduling difficulties for the integrated judiciary of Apache County and departments within Apache County. As of the date of this Administrative Order, departments within Apache County work a "4/10" Monday, Tuesday, Wednesday and Thursday workweek. The Round Valley Justice Court (RVJC), however, by assignment, is held on Fridays. The jail, the County Attorney's Office, court staff and the contract defense attorneys have all expressed a preference not to have RVJC on Fridays. However, the superior court, the justice courts, and the municipal courts rely on the same jail transport. The superior court and the justice courts rely on the County Attorney's Office and the same contract defense attorneys to address cases. Therefore, under the current administrative model, there is no way to adjust the RVJC schedule -- the limited shared resources, coupled with the travel/time requirements under the current administrative model, eliminates almost all scheduling flexibility to meet the needs of Apache County.

Therefore, after careful consideration and consultation with the contract defense attorneys, Apache County Jail leadership, representatives from the County Attorney's Office, and the justices of the peace, the Court has determined a new administrative model regarding preliminary hearings needs to be adopted in order to promote a more efficient use of limited judicial and county resources.

ESTABLISHMENT OF CONSOLIDATED PRELIMINARY HEARING SCHEDULE, LOCATION, AND PRIMARY RESPONSIBILITIES

ADMINISTRATIVE ORDER

Therefore, pursuant to Article 6, §§1 & 14 of the Arizona Constitution, Supreme Court Administrative Order 96-32, Administrative Rule V-A(III), A.R.S. §12-123, Rule 5.1 of the Arizona Rules of Criminal Procedure, State v. Moore, 110 Ariz. 404, State ex rel. Corbin v. Murry, 102 Ariz. 184, and Dunlap v. Superior Court, 169 Ariz. 82;

IT IS ORDERED that effective **APRIL 24, 2016** ALL preliminary hearings within Apache County shall be scheduled for **WEDNESDAY** mornings, between 9:00 a.m. and 12:30 p.m., at the Superior Court in St. Johns – Main Courtroom;

IT IS FURTHER ORDERED, that unless case-by-case circumstances make it impractical, preliminary hearings assigned to contract defense attorneys shall be scheduled between 9:00 a.m. and 11:30 a.m. on Wednesdays, and preliminary hearings handled by non-contract defense attorneys shall be scheduled between 11:30 a.m. and 12:30 p.m. on Wednesdays.

Criminal complaints will still be filed on a justice precinct jurisdictional basis, and each justice court shall maintain administrative responsibilities^{iv} over such cases until a waiver is signed and submitted or a preliminary hearing is held; provided, however, that due to courtroom scheduling, staffing and equipment considerations, primary responsibility over the preliminary hearing itself will reside with superior court judge[s] and superior court judges pro tem.

It is the expectation of the Court that this consolidated preliminary hearing schedule will alleviate many of the administrative issues noted above.

FINALLY, to the extent this Administrative Order conflicts or contradicts any previous administrative order issued by this Court, **IT IS HEREBY ORDERED** that this Administrative Order supersedes any and all previous administrative orders on this topic.

Dated this 21st day of April, 2016.



Hon. Michael Latham
Presiding Judge
Superior Court, Apache County

ⁱ From St. Johns: to Sanders – 52.6 miles each way; to Springerville – 28.8 miles each way; to Chinle – 136 miles each way.

ⁱⁱ The contract defense attorneys handle the majority of felony cases and misdemeanor cases for Apache County.

ⁱⁱⁱ After consultation with the Justices of the Peace, a conservative estimate is that upwards of 90% of preliminary hearings are waived.

^{iv} All original documents shall be filed with the justice court with jurisdiction. The justice court will be responsible for issuing summons to defendants if they are not in custody, and for notify the Superior Court of preliminary hearings that are set by the justice court for defendants not in custody – all in compliance with this Administrative Order.