ADMINISTRATIVE ORDERS FOR 2007

NO.	DESCRIPTION OF ADMINISTRATIVE ORDER
2007-01	IN RE: Changes in Law and Motion Calendars
2007-02	IN RE: Appointments of Juvenile Court Commissioner and Justice of the Peace Pro Tempore
2007-03	IN RE: Appointment of Presiding Justice of the Peace
2007-04	IN RE: Assignments of Superior Court Judges
2007-05	IN RE: Appointment of Associate Presiding Judge
2007-06	IN RE: Appointment on the Superior Court Judge Pro Tempore Selection Committee
2007-07	IN RE: Appointment of Superior Court Judges to Serve as Judge of the Juvenile Division of the Superior Court
2007-08	IN RE: Appointment of a Replacement Member of the Superior Court Judge Pro Tempore Selection Committee
2007-09	IN RE: Appointment of Probate Registrar and Designees
2007-10	IN RE: Justice and Magistrate Courts Weekend and Holiday Coverage
2007-11	IN RE: Appointment of Justices of the Peace and City Magistrates as Juvenile Hearing Officers in Limited Matters
2007-12	IN RE: Appointment of Probate Registrar and Designees
2007-13	IN RE: Authorizing the County Attorney to Prepare, Sign and File Mental Health Petitions
2007-14	IN RE: Appointment of Drug Court Commissioners
2007-15	IN RE: Regular and Special Assignments of Judges
2007-16	IN RE: Changes in Law and Motion Calendars
2007-17	IN RE: No Bond Orders Pursuant to A.R.S. 13-3961
2007-18	IN RE: Length of Court Sessions
2007-19	IN RE: Verbatim Record at Preliminary Hearings
2007-20	IN RE: Appointment of a Town Magistrate as Juvenile Hearing Officer in Limited Matters
2007-21	IN RE: Adoption of Cochise County Justice Courts Cash Short/Over Policy
2007-22	IN RE: Appointment of Elected Justices of the Peace as Juvenile Hearing Officers in Limited Matters
2007-23	IN RE: Appointment of Superior Court Judge Pro Tempore, Juvenile Court Commissioners and Justices of the Peace Pro Tempore
2007-24	IN RE: Assignment of Retired Judge
2007-25	IN RE: Approval of Use of Force Policy in Court Security
2007-26	IN RE: Appointment of Chief Interpreter and Law Librarian

ADMINISTRATIVE ORDERS FOR 2007 (cont'd)

NO.	DESCRIPTION OF ADMINISTRATIVE ORDER
2007-27	IN RE: Regular and Special Assignments of Judges
2007-28	IN RE: Adoption of Cochise County Limited Jurisdiction Courts Voiding Procedure
2007-29	IN RE: The Appointment of Justices of the Peace, Pro Tempore
2007-30	IN RE: The Appointment of Justice of the Peace Pro Tempore for the Purpose of Conducting a Wedding Ceremony
2007-31	IN RE: Adoption of Cochise County Limited Jurisdiction Courts Unclaimed Funds/Escheating Policy
2007-32	IN RE: Continuing Education Requirement Extension for Arizona Private Process Server
2007-33	---------- No Administrative Order Issued ----------
2007-34	IN RE: Assignment of Retired Judge

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

FILED
07 JAN -4 AM 10:03
DENISE I. LUNDIN
CLERK OF SUPERIOR COURT
BY _____
DEPUTY

ADMINISTRATIVE ORDER NO. 2007-01

IN RE: CHANGES IN LAW AND MOTION CALENDARS

Pursuant to Rules 2 and 3 of the Local Rules of Practice of the Superior Court, Cochise County, it is

ORDERED as follows:

1. Divisions One and Two shall conduct Law and Motion Day on Monday of each week, except when it is a legal holiday, then Tuesday shall be Law and Motion Day;

2. Division Three shall conduct Law and Motion Day on Friday of each week, except when it is a legal holiday, then Thursday shall be Law and Motion Day.

3. Unless otherwise directed, the scheduled hours for each Division's Law and Motion Calendar are as follows:

Division One:	Civil Matters	9:30 a.m. to Noon
	Criminal Matters	1:30 p.m. in-custody matters
		3:00 out-of-custody matters
Division Two:	Civil Matters	1:30 to 5:00 p.m.
	Criminal matters	8:30 a.m. in-custody matters
		10:00 a.m. out-of-custody matters
Division Three	Criminal Matters	9:00 a.m. In-custody matters
		1:30 p.m. out-of-custody matters

4. Unless otherwise directed, all Superior Court arraignments shall be heard by Division Five of this court, on Monday of each week, commencing at 1:00 p.m., except when it is a legal holiday, then arraignments will be heard on Tuesday.

5. The administrative order is effective immediately and shall remain in full force and effect until further order of this court.

DATED at Bisbee, Arizona, this 03rd day of January, 2007.

WALLACE R. HOGGATT
Presiding Judge

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

FILED
07 JAN -4 PM 2:02
DENISE L. LUNDIN
CLERK OF SUPERIOR COURT
DEPUTY

ADMINISTRATIVE ORDER NO. 2007-02

IN RE: APPOINTMENTS OF JUVENILE COURT COMMISSIONER AND JUSTICE OF THE PEACE PRO TEMPORE

Good cause appearing and with the approval of the Cochise County Board of Supervisors, it is **ORDERED**:

G. Philip Maxey

is hereby reappointed as Juvenile Court Commissioner under the following terms and conditions:

A. As assigned to the juvenile court drug program;
B. Other assignments in the juvenile court as determined by the presiding judge of the juvenile court and contingent upon available funding.

Leslie Sansone

Is hereby reappointed as justice of the peace pro tempore for Justice Court Precinct Five under the following terms and conditions:

A. As assigned by the Precinct Five Justice of the Peace for coverage of the court's calendar and for emergencies;
B. Not to exceed the number of weekly hours as provided in the adopted budget for this service.

Said juvenile court commissioner and justice of the peace pro tempore shall submit time records in the performance of the above stated duties for hourly pay calculations and payment to the Office of the Court Administrator.

The term of each appointment is January 2, 2007, to and including December 31, 2007, and is further subject to available funding in the Fiscal year beginning July 1, 2007.

DATED at Bisbee, Arizona, this 04th day of Jan., 2007.

WALLACE R. HOGGATT
Presiding Judge

Ferrara, Karen

From: Ferrara, Karen
Sent: Thursday, October 19, 2006 9:33 AM
To: Haney, Vanessa
Subject: FW: Agenda Number CAD060008

Hi Vanessa,

Please see below - the electronic notice from our Board of Supervisors - approval of Pro Tem James Conlogue's reappointment. Please let me know if this is sufficient notice for your needs....

best regards,
Karen Ferrara
-----Original Message-----
From: Coakley, Faye [mailto:FCoakley@co.cochise.az.us]
Sent: Tuesday, October 17, 2006 2:01 PM
To: Ferrara, Karen
Subject: FW: Agenda Number CAD060008

FYI...

From: board@co.cochise.az.us [mailto:board@co.cochise.az.us]
Sent: Tuesday, October 17, 2006 2:00 PM
To: Coakley, Faye
Subject: Agenda Number CAD060008

This message is to let you know that the status of the agenda number CAD060008 after the BOS meeting is:
APPROVED

Agenda Number: **CAD060008**
For Board Meeting of: **10/17/06**
Agenda Description: **Reappointment of James Conlogue as Superior Court Judge Pro Tem, pursuant to A.R.S. 12-144; Phillip Maxey as Juvenile Court Commissioner, pursuant to A.R.S. 8-231; and Leslie Sanson as Justice of the Peace Pro Tem for the Sierra Vista Justice Court, pursuant to A.R.S. 22-121, for the period January 1, 2007 to and including December 31, 2007 (subject to available funding).**

COMMENTS FROM BOS:

FILED
07 JAN -4 PM 2:02
DENISE I. LUNDIN
CLERK OF SUPERIOR COURT
BY

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

ADMINISTRATIVE ORDER NO. 2007-03

IN RE: APPOINTMENT OF PRESIDING JUSTICE OF THE PEACE

The Honorable Michael J. Herbolich having ended his term as elected Justice of the Peace and with the designation of the elected justices of the peace serving terms of office effective January 2, 2007, and with the approval of the Presiding Judge, it is

ORDERED David M. Morales, Justice of the Peace for Precinct One of Cochise County is hereby appointed Presiding Justice of the Peace, until further order of this court.

DATED at Bisbee, Arizona, this 04th day of January, 2007.

WALLACE R. HOGGATT
Presiding Judge

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

FILED

2007 JAN 18 PM 1:22

DENISE I. LUNDIN
CLERK OF SUPERIOR COURT
BY _____
DEPUTY

ADMINISTRATIVE ORDER NO. 2007-04

IN RE: ASSIGNMENTS OF SUPERIOR COURT JUDGES

Pursuant to Rule 92(a)(1), Rules of the Supreme Court,

IT IS HEREBY ORDERED that, until further order:

A. The Honorable Charles A. Irwin, Judge of the Superior Court, Division One, shall serve, and is hereby APPOINTED, as Presiding Family Law Judge, and as such shall have and is hereby GRANTED authority to schedule and assign, with the approval of the Presiding Judge, all family law cases to ensure that hearings, trials, and other matters are set as required by law or as indicated by the circumstances of each case. He shall also serve, and is hereby APPOINTED, as Judge of the Family Conciliation Court.

B. The Honorable Stephen M. Desens, Judge of the Superior Court, Division Two, shall serve, and is hereby APPOINTED, as Presiding Civil Judge, and as such shall have and is hereby GRANTED authority to schedule and assign, with the approval of the Presiding Judge, all non-family law related civil matters to ensure that hearings, trials, and other matters are set as required by law or as indicated by the circumstances of each case.

C. The Honorable Ann R. Littrell, Judge of the Superior Court, Division Four, shall continue to serve as Presiding Juvenile Court Judge, and shall continue to have those duties set by statute, rule, or other applicable law.

D. The Honorable James L. Conlogue, Judge of the Superior Court, Division Five, shall serve, and is hereby APPOINTED, as Presiding Criminal Judge, and shall have and is hereby GRANTED authority to schedule and assign, with the approval of the Presiding Judge, all criminal cases to ensure that hearings, trials, and other matters are set as required by law or as indicated by the circumstances of each case.

DATED at Bisbee, Arizona, this 18th day of Jan., 2007.

WALLACE R. HOGGATT
Presiding Judge

FILED

2007 JAN 18 PM 1:22

DENISE L. LUNDIN
CLERK OF SUPERIOR COURT
BY _____ DEPUTY

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

ADMINISTRATIVE ORDER NO. 2007-05

IN RE: APPOINTMENT OF ASSOCIATE PRESIDING JUDGE

Pursuant to Rule 92(a)(4), Rules of the Supreme Court,

IT IS HEREBY ORDERED, subject to the approval of the Supreme Court of Arizona, that the Honorable James L. Conlogue, Judge of the Superior Court, Division Five, Cochise County, is APPOINTED and shall serve as Associate Presiding Judge of Cochise County.

DATED at Bisbee, Arizona, this 18th day of Jan., 2007.

WALLACE R. HOGGATT
Presiding Judge

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

FILED
2007 JAN 19 PM 2:20
DENISE L. LUNDIN
CLERK OF SUPERIOR COURT
BY _____ DEPUTY

ADMINISTRATIVE ORDER NO. 2007-06

IN RE: APPOINTMENT ON THE SUPERIOR COURT JUDGE PRO TEMPORE SELECTION COMMITTEE

IT IS HEREBY ORDERED that the following persons are appointed to serve on the Superior Court Judge Pro Tempore Selection Committee:

Susan Arbuthnot of Willcox;
Frank Bothwell of Sierra Vista;
Melissa DiPeso of Benson;
Adela Flores of Sierra Vista;
Judy Gignac of Sierra Vista;
Britt Hanson of Bisbee;
George Kirmse of Sierra Vista;
Gene Manring of Sierra Vista;
James L. Riley of Bisbee;
Jane Strain of Sierra Vista;
Ruben Teran of Douglas.

IT IS FURTHER ORDERED that James L. Riley is appointed and shall serve as Chair of the Committee.

IT IS FURTHER ORDERED that the Committee shall have the power and duties set forth in Section 1-305(D)(3)(a) of the Arizona Code of Judicial Administration.

DATED at Bisbee, Arizona, this 19th day of January, 2007.

WALLACE R. HOGGATT
Presiding Judge

FILED

2007 FEB -2 PM 4:11

DENISE L. LUNDIN
CLERK OF SUPERIOR COURT
BY _____
DEPUTY

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

ADMINISTRATIVE ORDER NO. 2007-07

IN RE: APPOINTMENT OF SUPERIOR COURT JUDGES TO SERVE AS A JUDGE OF THE JUVENILE DIVISION OF THE SUPERIOR COURT

Good cause appearing,

IT IS HEREBY ORDERED that each and every currently serving Judge of the Superior Court shall be, and is hereby, appointed to serve as a Judge of the Juvenile Division of the Superior Court.

DATED at Bisbee, Arizona, this 02nd day of Feb, 2007.

WALLACE R. HOGGATT
Presiding Judge

ANN R. LITTRELL
Presiding Juvenile Judge

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

FILED
2007 FEB -7 PM 3:22
DENISE I. LUNDIN
CLERK OF SUPERIOR COURT
BY _____ DEPUTY

ADMINISTRATIVE ORDER NO. 2007-08

IN RE: APPOINTMENT OF A REPLACEMENT MEMBER OF THE SUPERIOR COURT JUDGE PRO TEMPORE SELECTION COMMITTEE

Due to Mrs. Flores' inability to continue to serve on this committee,

IT IS HEREBY ORDERED that Juan Flores of Douglas, is appointed to serve on the Superior Court Judge Pro Tempore Selection Committee in the place of Adela Flores.

DATED at Bisbee, Arizona, this 07th day of February, 2007.

WALLACE R. HOGGATT
Presiding Judge

FILED

2007 FEB 15 PM 1:11

DENISE I. LUNDIN
CLERK OF SUPERIOR COURT
BY _____
DEPUTY

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

ADMINISTRATIVE ORDER NO. 2007-09

IN RE: APPOINTMENT OF PROBATE REGISTRAR AND DESIGNEES

Pursuant to the provisions of A.R.S.§14-1307 pertaining to the appointment of Probate Registrar and other designees, it is

ORDERED as follows:

1) Denise I. Lundin, Clerk of the Superior Court is designated as Probate Registrar for Cochise County.
2) Darlene Cooke, Letticia Estrada, Mary Edie, Sandra Bernal and Edie Valencia are designated as Assistant Probate Registrars.
3) Carol Helton and Jennifer Bachert are designated as Assistant Probate Registrar in those guardianship cases filed by the Attorney General which are associated with a dependency action.
4) This administrative order supersedes any previous administrative orders and shall be effective upon the date of signing.

DATED at Bisbee, Arizona, this 13th day of February, 2007.

WALLACE R. HOGGATT
Presiding Judge

COUNTY OF COCHISE
STATE OF ARIZONA
The foregoing instrument is a full, true and correct copy of the original on file in this office.
Attested 2/15/07, 20 ____
DENISE I. LUNDIN, Clerk
By _____ Deputy

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

FILED
2007 MAR -1 PM 3:01

ADMINISTRATIVE ORDER NO. 2007-010

DENISE I. LUNDIN
CLERK OF SUPERIOR COURT
BY
DEPUTY

IN RE: JUSTICE AND MAGISTRATE COURTS WEEKEND AND HOLIDAY COVERAGE

The Presiding Judge of Cochise County, having the authority under Rule 1.7, Arizona Rules of Criminal Procedure, to assign available Justices of the Peace or City or Town Magistrates, including Justices of the Peace *Pro Tempore* and Magistrates *Pro Tempore*, to handle initial appearances in criminal matters, and the undersigned desiring to delegate that responsibility to the Presiding Justice of the Peace for Cochise County,

IT IS HEREBY ORDERED that the Presiding Justice of the Peace for Cochise County, the Honorable David C. Morales, shall, in consultation with the affected justices of the peace and magistrates, establish and circulate on a quarterly basis schedules of weekend and holiday duty. The Presiding Justice of the Peace for Cochise County shall ensure that such schedules are promptly provided to the Presiding Judge of Cochise County, the Cochise County Jail, the Cochise County Attorney, the Cochise County Public Defender, the Cochise County Legal Defender, all Justices of the Peace and Magistrates in the County, and any other person or office the Presiding Justice of the Peace may consider appropriate to receive such notice.

This Order shall be effective at the beginning of the weekend that includes July 01, 2007.

DATED at Bisbee, Arizona, this 01st day of March, 2007.

WALLACE R. HOGGATT
Presiding Judge

IN THE SUPERIOR COURT OF THE STATE OF COCHISE
IN AND FOR THE COUNTY OF COCHISE

FILED
2007 MAR -8 PM 2:49
DENISE L. LUNDIN
CLERK OF SUPERIOR COURT
BY
DEPUTY

ADMINISTRATIVE ORDER NO. 2007-11

IN RE: APPOINTMENT OF JUSTICES OF THE PEACE AND CITY MAGISTRATES AS JUVENILE HEARING OFFICERS IN LIMITED MATTERS

The Board of Supervisors having approved the appointment of Justices of the Peace and city or town councils having approved the appointment of the following named municipal judges to serve as juvenile hearing officers at the pleasure of and as authorized by the Presiding Judge of the Juvenile Court pursuant to A.R.S. § 8-323, and good cause appearing, it is

ORDERED the following named Justices of the Peace and City Magistrates of Cochise County, Arizona, are hereby appointed as Juvenile Hearing Officers. The matters to be heard by Juvenile Hearing Officers are limited to cases in which a child under the age of eighteen years on the date of the alleged offense is charged with violating any non-alcohol related provision of the motor vehicle code not declared to be a felony, and violations of any city, town or political subdivision ordinance not pertaining to curfew violations, effective this date and until further order of the court or rescission of operation of law:

David C. Morales, Justice of the Peace, Precinct One
Alma Vildosola, Justice of the Peace, Precinct Two and Douglas Magistrate
Joseph P. Knoblock, Justice of the Peace, Precinct Three
Trevor Ward, Justice of the Peace, Precinct Four
Timothy Dickerson, Justice of the Peace, Precinct Five
Leslie Sansone, Justice of the Peace Pro Tempore, Precinct Five
Michael Skiles, Justice of the Peace, Precinct Six
Gary R. Hatch, City Magistrate, City of Willcox

It is further **ORDERED**, pursuant to A.R.S. § 8-323 (H) that within five days after disposition that Juvenile Hearing Officer shall transmit a copy of the citations, findings and disposition to the Juvenile Court for record keeping purposes. Juvenile Hearing Officer appointments from previous Orders are hereby and immediately rescinded.

Dated at Bisbee, Arizona, this 08th day of March, 2007.

WALLACE R. HOGGATT
Presiding Judge

FILED

2007 MAR 27 AM 9:54

DENISE I. LUNDIN
CLERK OF SUPERIOR COURT
BY _____
DEPUTY

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

ADMINISTRATIVE ORDER NO. 2007-_12__

IN RE: APPOINTMENT OF PROBATE REGISTRAR AND DESIGNEES

Pursuant to the provisions of A.R.S.§14-1307 pertaining to the appointment of Probate Registrar and other designees, it is

ORDERED as follows:

1) Denise I. Lundin, Clerk of the Superior Court is designated as Probate Registrar for Cochise County.
2) Render A. Gregory, Sondra Whitmer, Letticia Estrada, Mary Edie, Sandra Bernal and Edie Valencia are designated as Assistant Probate Registrars.
3) Carol Helton and Jennifer Bachert are designated as Assistant Probate Registrar in those guardianship cases filed by the Attorney General which are associated with a dependency action.
4) This administrative order supersedes any previous administrative orders and shall be effective upon the date of signing.

DATED at Bisbee, Arizona, this 27th day of March, 2007.

WALLACE R. HOGGATT
Presiding Judge

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

FILED
2007 APR 23 PM 12:08

ADMINISTRATIVE ORDER NO. 2007-013

DENISE I. LUNDIN
CLERK OF SUPERIOR COURT
BY _____
DEPUTY

IN RE: AUTHORIZING THE COUNTY ATTORNEY TO PREPARE, SIGN AND FILE MENTAL HEALTH PETITIONS

The Court has reviewed and considered the request by Britt Hanson, Chief Civil Deputy Cochise County Attorney, and Dr. William Sullivan, the Medical Director of Southeast Arizona Behavioral Health Services (SEABHS), asking that the Court enter an administrative order authorizing and directing the County Attorney to prepare, sign and file mental health petitions when SEABHS so requests.

Mark Suagee, the Cochise County Public Defender, has had the opportunity to consider the request and stated that he has no objection to the entry of such an administrative order.

Good cause appearing,

IT IS HEREBY ORDERED that pursuant to A.R.S. §§36-521(D) and (F), the Cochise County Attorney is hereby authorized and directed to prepare, sign and file petitions on behalf of SEABHS when SEABHS so requests. Nothing in this order shall be construed to prevent the Medical Director of SEABHS from preparing, signing or filing a petition on his own.

DATED at Bisbee, Arizona, this 23rd day of April, 2007.

WALLACE R. HOGGATT
Presiding Judge

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

FILED
2007 APR 23 PM 12:09
DENISE I. LUNDIN
CLERK OF SUPERIOR COURT
BY
DEPUTY

ADMINISTRATIVE ORDER NO. 2007-014

IN RE: APPOINTMENT OF DRUG COURT COMMISSIONERS

Pursuant to §1-305(D)(3)(b), Arizona Code of Judicial Administration, and the Presiding Judge having reviewed all applications for Drug Court Commissioner, with the assistance of the Honorable James L. Conlogue, Associate Presiding Judge, and the three drug court coordinators,

IT IS HEREBY ORDERED:

A. Michael J. Herbolich, Esquire, and Jeanne Benda Whitney, Esquire, are hereby appointed Commissioners of the Juvenile Drug Court of the Superior Court of Arizona, Cochise County. Commissioner Herbolich shall handle drug court proceedings primarily in Douglas, and Commissioner Benda Whitney shall handle drug court proceedings primarily in Benson, although either may be assigned to conduct drug court proceedings in other locations as they may be needed.

B. The Presiding Judge shall request that the Chief Justice of the Supreme Court of Arizona appoint Commissioner Herbolich and Commissioner Benda Whitney, as Judges *Pro Tempore* of the Superior Court, to give them the power of detaining persons participating in the Drug Court Program, and shall seek appropriate approval of the Cochise County Board of Supervisors.

DATED at Bisbee, Arizona, this 23rd day of April, 2007.

WALLACE R. HOGGATT
Presiding Judge

FILED

2007 APR 30 PM 2:28

DENISE I. LUNDIN
CLERK OF SUPERIOR COURT
BY _____
DEPUTY

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

ADMINISTRATIVE ORDER NO. 2007-015

IN RE: REGULAR AND SPECIAL ASSIGNMENTS OF JUDGES

Pursuant to the provisions of Rule 92(a)(1), Rules of the Supreme Court of Arizona, and Rules (1)(b) and (c), Local Rules of Practice of the Superior Court, Cochise County, pertaining to regular and special assignments of all judges in this court, and otherwise good cause appearing, it is

ORDERED as follows:

1. Division Six is the designation for the Superior Court Judge *Pro Tempore* division.

2. Division Six shall hear such matters, in such locations, as assigned by the Presiding Judge.

3. Division Seven is the designation for any and all visiting judges.

4. All newly filed adult criminal cases each week shall be divided equally between Divisions One, Two, Three, and Five. Separate files involving co-defendants charged in the same indictment or information shall, to the extent practicable, be assigned to the same division.

5. All newly filed domestic relations cases shall be divided equally between Divisions One, Two, Three, and Five.

6. All newly filed civil cases shall be divided equally between Division One, Two, and Five. No newly filed civil cases shall be assigned to Division Three, unless under exigent circumstances or by separate order of this court.

7. All newly filed adoption cases shall be assigned to Division Four.

8. All sexually violent persons cases, all mental health cases, and all appeals from limited jurisdiction courts shall be assigned to Division Three.

9. All interstate compact cases shall be assigned to Division Two.

10. All intrastate transfer of jurisdiction cases shall be assigned to Division Five.

11. All newly filed guardianship, conservatorship, and probate cases shall be assigned to Division Six – and all such cases pending in this Court shall be reassigned to Division Six – unless under exigent circumstances or by separate order of this court.

12. All IV-D matters, whether newly filed cases or filed in existing domestic relations cases, shall be assigned to Division Six, unless under exigent circumstances or by separate order of this court.

13. Except as set forth herein, all cases pending as of April 30, 2007, shall remain in the divisions to which they are currently assigned.

14. This administrative order shall be effective May 01, 2007, and shall thereafter supersede and supplant all previous administrative orders making regular and special assignments of judges in this court.

DATED at Bisbee, Arizona, this 30th day of April, 2007.

WALLACE R. HOGGATT
Presiding Judge

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

FILED

2007 APR 30 PM 2:28

DENISE I. LUNDIN
CLERK OF SUPERIOR COURT
BY _____
DEPUTY

ADMINISTRATIVE ORDER NO. 2007-016

IN RE: CHANGES IN LAW AND MOTION CALENDARS

Pursuant to Rules 2 and 3 of the Local Rules of Practice of the Superior Court, Cochise County, it is

ORDERED as follows:

1. Divisions One and Two shall conduct Law and Motion Day on Monday of each week; provided, however, when Monday is a legal holiday, Tuesday shall be Law and Motion Day.

2. Division Three shall conduct Law and Motion Day on Friday of each week; provided, however, when Friday is a legal holiday, Thursday shall be Law and Motion Day.

3. Division Five shall conduct Civil Law and Motion Day on Monday of each week; provided, however, when Monday is a legal holiday, Tuesday shall be Civil Law and Motion Day.

4. Division Five shall conduct Criminal Law and Motion Day on Friday of each week; provided, however, when Friday is a legal holiday, Thursday shall be Criminal Law and Motion Day.

5. Unless otherwise directed, the scheduled hours for each division's Law and Motion Calendar are as follows:

Division One:	Civil Matters	9:30 a.m. to Noon
	Criminal Matters	1:30 p.m. in-custody matters
		3:00 p.m. out-of-custody matters
Division Two:	Civil Matters	2:00 p.m. to 5:00 p.m.
	Criminal Matters	8:30 a.m. in-custody matters
		10:00 a.m. out-of-custody matters
Division Three:	Civil Matters	2:00 p.m. to 5:00 p.m.
	Criminal Matters	9:00 a.m. in-custody matters
		10:30 a.m. out-of-custody matters
Division Five:	Civil Matters	9:00 a.m.
	Criminal Matters	1:30 p.m.

6. The schedule set forth above for Division Three shall be effective June 01, 2007. Otherwise, this administrative order shall be effective May 01, 2007, and shall thereafter supersede and supplant all previous administrative orders setting the Law and Motion Calendars.

DATED at Bisbee, Arizona, this 30th day of April, 2007.

WALLACE R. HOGGATT
Presiding Judge

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

FILED
2007 MAY -7 AM 10: 48
DENISE L. LUNDIN
CLERK OF SUPERIOR COURT
BY _____
DEPUTY

ADMINISTRATIVE ORDER NO. 2007-017

IN RE: NO BOND ORDERS PURSUANT TO A.R.S. §13-3961

The undersigned Presiding Judge for Cochise County, on the advice of the Honorable James L. Conlogue, Presiding Criminal Judge, and following participation in the summit conference of relevant participants in the criminal justice system on April 25, 2007, and a follow-up training for judges, magistrates, and initial appearance masters on May 01, 2007, hereby makes the following **ORDERS** to implement Supreme Court Administrative Order No. 2007-30:

A. The attached and incorporated No Bond Addendum/Law Enforcement Part of Release Questionnaire shall be used by law enforcement in connection with initial appearances of persons who are alleged or believed to be persons for whom bond may not be set pursuant to Article II, Section 22, of the Arizona Constitution.

B. The attached and incorporated A.R.S. §13-3961 No Bond Custody Order and Order Setting Evidentiary Hearing shall be used by any and all judges, justice of the peace, magistrates, or initial appearance masters conducting initial appearances in appropriate cases.

C. The attached and incorporated No Bond Custody Order Following Evidentiary Hearing shall be used by any and all judges, justices of the peace, and magistrates following the relevant evidentiary hearing.

This Order is effective today.

DATED at Bisbee, Arizona, this 07th day of May, 2007.

WALLACE R. HOGGATT
Presiding Judge

No Bond Addendum
Law Enforcement Part of Release Questionnaire

DEFENDANT'S NAME: _____

If the alleged offense enumerated in A.R.S. §13-3961(A), is the proof evident or the presumption great that the person is guilty of the alleged offense?

_____ **Yes** _____ **No**

If yes, explain in detail (e.g., arresting officer or other law enforcement officers witnessed offense, physical evidence directly connects defendant to offense, multiple eye-witnesses, defendant admissions, victim statements, nature of injuries, incriminating photographic, audio, visual, or computer evidence, defendant attempted to flee or resist arrest).

RESPONSE:

Has the person entered or remained in the United States illegally?

_____ **Yes** _____ **No**

If yes, probable cause is established for the following reasons. Explain in detail (e.g., admission of the person, statements of co-defendants at the time of arrest, verification of illegal presence, information provided at the issuance of a warrant in conjunction with a direct complaint or grand jury proceeding establishes illegal presence).

RESPONSE:

If there is probable cause that the person entered or remained in the United States illegally, is the proof evident or presumption great that the person committed a class 1, 2, 3 or 4 felony or a violation of A.R.S. §28-1383?

_____ **Yes** _____ **No**

If yes, explain in detail

RESPONSE:

DATED this _____ day of _____, 20___.

_____

Name:
Agency:
Badge No.:

IN THE JUSTICE COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF COCHISE
PRECINCT NO. _____

STATE OF ARIZONA, Plaintiff, vs. _____, Defendant.	CASE NO. _____ A.R.S. §13-3961 NO BOND CUSTODY ORDER and ORDER SETTING EVIDENTIARY HEARING

Defendant is charged with committing an offense set forth in A.R.S. §13-3961(A). This Court conducted an initial appearance pursuant to Rule 4.2, Arizona Rules of Criminal Procedure on _____, 20___, at _____ __ m. On probable cause,

The Court finds that the proof is evident or the presumption great that Defendant committed the offense(s) of: _____
_____. This finding is subject to *de novo* review at the evidentiary hearing.

The Court further finds that the proof is evident or the presumption great that Defendant has entered or remained in the United States illegally. This finding is subject to *de novo* review at the evidentiary hearing.

IT IS THEREFORE ORDERED holding Defendant without bond pending further order of the Court.

IT IS FURTHER ORDERED setting this matter for an evidentiary hearing on _____, 20___, at 8:00 a.m. in the Justice Court Precinct One Courtroom, Bisbee, Arizona.

As Alternative Release Conditions, IT IS FURTHER ORDERED that, in the event the evidentiary hearing does not occur as scheduled and cannot occur within the time allowed by law, or if the evidence at such hearing is insufficient to sustain a no bond order, the release conditions shall be as follows: _____
_____
_____.

An interpreter fluent in the _____ language shall be present for the hearing.

DONE IN OPEN COURT this _____ day of _____, 20___.

_____
Justice of the Peace/Judge of the Superior Court

This Order was faxed immediately after its entry to:
Justice Court, Precinct One - (520) 432-5271
IDC - (520) 432-8461
Cochise County Attorney - (520) 432-4208
Division Five - (520) 432-8488
Court Interpreter - (520) 432-2630
Cochise County Jail, Bisbee - (520) 432-7035
This Court immediately contacted IDC by telephone at (520) 432-8460

IN THE JUSTICE COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF COCHISE
PRECINCT NO. _____

STATE OF ARIZONA, Plaintiff, vs. _____, Defendant.	CASE NO. _____ NO BOND CUSTODY ORDER FOLLOWING EVIDENTIARY HEARING

Following an evidentiary hearing on _____, 20___, beginning at _____ __ m., the State present by _____, and the Defendant present in person and by _____,

On review *de novo* from the relevant findings made at the initial appearance,

The Court hereby FINDS: [check one] _____ The proof IS evident or the presumption great, OR _____ The proof IS NOT evident nor the presumption great, that the Defendant committed the offense(s) of:

_____
_____.

The Court hereby FURTHER FINDS: [check one] _____ The proof IS evident or the presumption great, OR _____ The proof IS NOT evident nor the presumption great, that the Defendant has entered or remained in the United States illegally.

IT IS HEREBY ORDERED:

_____ The Defendant shall remain in the custody of the Sheriff without bond or other release conditions.

_____ The Alternative Release Conditions set by the A.R.S. §13-3961 No Bond Custody Order and Order Setting Hearing of _____, 20___, shall be effective immediately.

OTHER ORDERS: _____
_____
_____.

DONE IN OPEN COURT this _____ day of _____, 20___.

_____
Justice of the Peace/Judge of the Superior Court

xc: County Attorney
Defense Counsel
Defendant

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

FILED
2007 MAY 15 PM 2:22
DENISE L. LONDON
CLERK OF SUPERIOR COURT
BY

ADMINISTRATIVE ORDER NO. 2007-018

IN RE: LENGTH OF COURT SESSIONS

Good cause appearing, it is

ORDERED, that in all court proceedings in Cochise County, Arizona, the judge, justice of the peace, magistrate, or other presiding officer subject to the orders of the Presiding Judge of this County, shall observe the following:

A. Except as provided in paragraph B below, no court session shall proceed longer than sixty (60) minutes without providing the court reporter and other court staff with a recess of at least five (5) minutes during which the court reporter shall not report any matter.

B. As an alternative to the limitation set forth in paragraph A above, a court session may proceed for up to ninety (90) minutes, provided that the court reporter and other court staff shall have a recess of at least fifteen (15) minutes during which the court reporter shall not report any matter.

C. A lunch break of at least one (1) hour shall be provided each day.

DATED at Bisbee, Arizona, this 15th day of May, 2007.

WALLACE R. HOGGATT
Presiding Judge

FILED

2007 JUN -5 AM 9:58

DENISE I. LUNDIN
CLERK OF SUPERIOR COURT

BY

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

ADMINISTRATIVE ORDER NO. 2007-019

IN RE: VERBATIM RECORD AT PRELIMINARY HEARINGS

Pursuant to the authority of Rule 5.2, Arizona Rules of Criminal Procedure, the undersigned, as Presiding Judge for Cochise County, hereby **DIRECTS** all judges, justices of the peace, and magistrates who conduct preliminary hearings in this county to provide for a verbatim record of such proceedings by digital audio recordings, unless a certified court reporter is requested by a party. In accordance with the rule, any request for a certified court reporter for a preliminary hearing shall be honored unless the court is in a geographic location where certified court reporters are not reasonably available.

DATED at Bisbee, Arizona, this 05th day of June, 2007.

WALLACE R. HOGGATT
Presiding Judge

FILED
Time _____ M
JUN 12 2007
DENISE L LONDON
CLERK SUPERIOR COURT
BY _____ DEPUTY

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

ADMINISTRATIVE ORDER NO. 2007-020

IN RE: APPOINTMENT OF A TOWN MAGISTRATE AS JUVENILE HEARING OFFICER IN LIMITED MATTERS

The Town of Huachuca City, Arizona, by its governing council, having approved the appointment of the following named municipal judge to serve as juvenile hearing officer at the pleasure of and as authorized by the Presiding Judge of the Juvenile Court pursuant to A.R.S. §8-323, and good cause appearing, it is

ORDERED that the Honorable KENNETH CURFMAN is hereby appointed as a Juvenile Hearing Officer of Cochise County, Arizona. The matters to be heard by such Juvenile Hearing Officer are limited to cases in which a child under the age of eighteen years on the date of the alleged offense is charged with violating any non-alcohol related provision of the motor vehicle code not declared to be a felony, and violations of any city, town or political subdivision ordinance not pertaining to curfew violations, effective this date and until further order of the court or rescission of operation of law.

It is further **ORDERED**, pursuant to A.R.S. §8-323(H) that within five days after disposition that such Juvenile Hearing Officer shall transmit a copy of the citations, findings and disposition to the Juvenile Court for record keeping purposes.

Other than as supplemented herein, Cochise County Administrative Order No. 2007-11 shall remain in full force and effect.

DATED at Bisbee, Arizona, this 11th day of June, 2007.

WALLACE R. HOGGATT
Presiding Judge

ANN R. LITTRELL
Presiding Juvenile Court Judge

TOWN OF HUACHUCA CITY

The Sunset City

500 NORTH GONZALES BOULEVARD • HUACHUCA CITY, ARIZONA 85616
PHONE (520) 456-1354 • TDD (520) 456-1353 • E-MAIL: townclerk@huachucacity.org
FAX: (520) 456-2230

RESOLUTION 07-04

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, APPROVING OF MAGISTRATE TO HEAR JUVENILE MATTERS IN THE HUACHUCA CITY COURT, PURSUANT TO A.R.S. SECTION 8-232

WHEREAS, the Huachuca City Magistrate may be authorized by the Presiding Judge to hear cases in which a child under the age of eighteen years on the date of the alleged offense is charged with violating any non-alcohol related provision of the motor vehicle code not declared to be a felony and violations of Huachuca City Town ordinances not pertaining to curfew violations;

WHEREAS the Mayor and Town Council of Huachuca City desire to have the City Magistrate preside over such matters;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Town Council do hereby approve that the Magistrate serve as Juvenile Hearing Officers in accordance with the authority granted by the Cochise County presiding Superior Court Judge, Wallace R. Hoggatt.

Passed and adopted by the Town Council of The Town of Huachuca City this 8th day of June , 2007,

George Nerhan

George Nerhan, Mayor

ATTEST:

Ron Armstrong

Ron Armstrong, Town Clerk

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

FILED
2007 JUN 14 AM 8:47
DENISE I. LUNDIN
CLERK OF SUPERIOR COURT
BY

ADMINISTRATIVE ORDER NO. 2007-21

IN RE: ADOPTION OF COCHISE COUNTY JUSTICE COURTS CASH SHORT/OVER POLICY

Good cause appearing and with the approval of the Cochise County Justices of the Peace,

IT IS HEREBY ORDERED, that the attached "Cash Short/Over Policy" is hereby adopted.

Dated at Bisbee, Arizona, this 14th day of June, 2007.

WALLACE R. HOGGATT
Presiding Judge

COCHISE COUNTY JUSTICE COURTS
CASH SHORT/OVER POLICY

PURPOSE:
To establish guidelines for documenting all cash short/over

DISCUSSION:
Daily cash shortages and overages will be monitored, reviewed, and documented on an as needed basis by the court manager/supervisor. All employees will be responsible to report any unresolved shortage/overage to the manager/supervisor immediately.

POLICY:
Court staff must adhere to strict cash controls as evidenced by secure work stations, appropriate receipting/suspending, documentation of all voided, manual and bond receipts, immediate endorsement of checks, timely mail processing, closeout reconciliations and random audits. The court manager/supervisor is ultimately responsible for the overall cash internal controls.

All staff members performing cashier functions have the unique responsibility of acting as custodian for the court's monies. As such, they are directly responsible for adequately safeguarding and accounting for court monies under their control.

All cash shortages and overages are to be closely monitored. Each short/over incident will be evaluated, taking into consideration the frequency, amount and any unusual circumstances.

Each incident involving a shortage or overage will be evaluated and reported to the court manager/supervisor. Upon evaluation, disciplinary actions may be taken.

Employees performing cashier functions will follow the following procedures if a cash shortage/overage occurs:

Try to find the shortage/overage during cash out process:

a. Review all files and receipts taken for that day.
b. If not found, the following steps must be taken.

1. Cashier will report shortage/overage to manager/supervisor immediately by submitting a written statement. The statement shall include the following information:

   a. Cashier's name and register number
   b. Amount of shortage/overage
   c. Explanation of what may have caused the shortage/overage
   d. What steps were taken to find the shortage/overage

2. If an overage occurs the cashier will create an OT number under miscellaneous case type, event code 9517 overpayment refund. Receipt into the bond/overage account for the court. If a shortage occurs the manager/supervisor will prepare a demand to replenish the shortage from the court's expense line "Cash Over/Short."

3. Shortage/Overage will be recorded on the short/over log and the written statement will be attached to the log.

4. Both Cashier and Manager/Supervisor will research all shortages/overages within two weeks of occurrence. If the shortage/overage is found, manager/supervisor will take appropriate steps to remedy the error. Based on circumstances pertaining to each incident, whether the shortage/overage is found or not found, the following disciplinary actions may occur:

    -verbal counseling
    -letter of counseling
    -letter of reprimand
    -disciplinary action which may include termination

By my signature below, I acknowledge receipt of and understand that I am responsible for complying with the Cash Short/Over Policy.

_____ _____

Signature Date

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

FILED

2007 JUN 29 PM 2:29

DENISE I. LUNDIN
CLERK OF SUPERIOR COURT
BY

ADMINISTRATIVE ORDER NO. 2007-22

IN RE: APPOINTMENT OF ELECTED JUSTICES OF THE PEACE AS JUVENILE HEARING OFFICERS IN LIMITED MATTERS

The Cochise County Board of Supervisors having approved the appointment of the elected Justices of the Peace in Cochise County to serve as juvenile hearing officers at the pleasure of and as authorized by the Presiding Judge of the Juvenile Court pursuant to A.R.S. §8-323, and good cause appearing, it is

ORDERED that the six elected Justices of the Peace in Cochise County are hereby appointed as Juvenile Hearing Officers of Cochise County, Arizona. The matters to be heard by such Juvenile Hearing Officers are limited to cases in which a child under the age of eighteen years on the date of the alleged offense is charged with violating any non-alcohol related provision of the motor vehicle code not declared to be a felony, and violations of any city, town or political subdivision ordinance not pertaining to curfew violations, effective this date and until further order of the court or rescission of operation of law.

It is further **ORDERED**, pursuant to A.R.S. §8-323(H) that within five days after disposition that such Juvenile Hearing Officers shall transmit a copy of the citations, findings and disposition to the Juvenile Court for record keeping purposes.

DATED at Bisbee, Arizona, this 29th day of June, 2007.

James A. Conlogue, Associate Presiding Judge
(For Wallace R. Hoggatt, Presiding Judge)

Ann R. Littrell
Presiding Judge of the Juvenile Court

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

ADMINISTRATIVE ORDER NO. 2007-23

IN RE: APPOINTMENT OF SUPERIOR COURT JUDGE PRO TEMPORE, JUVENILE COURT COMMISSIONERS AND JUSTICES OF THE PEACE PRO TEMPORE

Good cause appearing and with the approval of the Arizona Supreme Court and the Cochise County Board of Supervisors, it is **ORDERED**:

Donna M. Beumler

is hereby reappointed as a Superior Court Judge Pro Tempore under the following terms and conditions:

For specialized assignments as determined by the presiding judge necessary to assist the court in the orderly administration of justice and contingent upon available funding.

Michael J. Herbolich
Jeanne Benda Whitney

are hereby reappointed as Juvenile Court Commissioners and are dually assigned as Superior Court Judges Pro Tempore under the following terms and conditions:

A. As assigned to the Juvenile Court Drug Program;
B. Other assignments in the juvenile court as determined by the Presiding Judge of the juvenile court and contingent upon available funding.

Leslie Sansone

Is hereby reappointed as Justice of the Peace Pro Tempore for Justice Court Precinct Five under the following terms and conditions:

A. As assigned by the Precinct Five Justice of the Peace for coverage of the court's calendar and for emergencies;
B. Not to exceed the number of weekly hours as provided in the adopted budget for this service.

Ann S. Lund

is hereby reappointed as Justice of the Peace Pro Tempore on a county-wide

basis under the following terms and conditions:

FILED
2007 JUN 29 PM 2:29
DENISE I. LUNDIN
CLERK OF SUPERIOR COURT

On an emergency basis where no other elected justices of the peace are available or otherwise able to conduct a necessary hearing.

Said Superior Court Judge Pro Tempore, Juvenile Court Commissioners and Justices of the Peace Pro Tempore shall submit time records in the performance of the above stated duties for hourly pay calculations and payment to the Office of the Court Administrator of this court.

The term of these appointments is July 1, 2007 to and including June 30, 2008.

DATED at Bisbee, Arizona, this 29th day of June, 2007.

James L. Conlogue, Associate Presiding Judge
(For Wallace R. Hoggatt, Presiding Judge)

Final Approval For Agenda Number CAD070007

Wording of Agenda Item **View Detail**

Approve reappointments of Superior Court Judge Pro Tempore Donna Beumler pursuant to A.R.S. § 12-144; Juvenile Court Commissioners/Judges Pro Tempore Michael Herbolich and Jeanne Benda Whitney pursuant to A.R.S. § 8-231; approve authorization to call upon an appropriately appointed Superior Court Judge Pro Tem from another county in extenuating circumstances (Judge Kimberly Corsaro), pursuant to A.R.S. 12-144; reappointments and authorizations are for the period beginning July 1, 2007, to and including June 30, 2008.

BOS Notes before meeting

BOS Notes After Meeting

Approved w/ 2 votes, Mr. Newman being absent

Final Approved Status

- **APPROVED** (◉)
- **DISAPPROVED** ( )
- **TABLED** ( )
- **NO ACTION REQUIRED** ( )
- **OTHER** ( )

Notes for Motion page:

Want to put this Agenda Item to another meeting, please select a meeting date: 6/19/07

Select department(s) that you want to send email to

Select 1: --SELECT--

Select 2: --SELECT--

Select 3: --SELECT--

Save Changes | Cancel

Agenda Main Page

Final Approval For Agenda Number CAD070008

Wording of Agenda Item **View Detail**

Approve the reappointments of Justice of the Peace Pro Tems Leslie Sansone (JP5) and Ann Lund (emergency back up only) pursuant to A.R.S. §22-121; approve the current elected justices of the peace to serve as juvenile hearing officers, pursuant to A.R.S. § 8-323; reappointments and authorizations are for the period beginning July 1, 2007, to and including June 30, 2008.

BOS Notes before meeting

BOS Notes After Meeting

Approved w/ 2 votes, Mr. Newman being absent.

Final Approved Status

- **APPROVED** (●)
- **DISAPPROVED** ( )
- **TABLED** ( )
- **NO ACTION REQUIRED** ( )
- **OTHER** ( )

Notes for Motion page:

Want to put this Agenda Item to another meeting, please select a meeting date: 6/19/07

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Agenda Main Page

Final Approval For Agenda Number CAD070007

Wording of Agenda Item **View Detail**

Approve reappointments of Superior Court Judge Pro Tempore Donna Beumler pursuant to A.R.S. § 12-144; Juvenile Court Commissioners/Judges Pro Tempore Michael Herbolich and Jeanne Benda Whitney pursuant to A.R.S. § 8-231; approve authorization to call upon an appropriately appointed Superior Court Judge Pro Tem from another county in extenuating circumstances (Judge Kimberly Corsaro), pursuant to A.R.S. 12-144; reappointments and authorizations are for the period beginning July 1, 2007, to and including June 30, 2008.

BOS Notes before meeting

BOS Notes After Meeting

Approved w/ 2 votes, Mr. Newman being absent

Final Approved Status

- **APPROVED** (◉)
- **DISAPPROVED** ( )
- **TABLED** ( )
- **NO ACTION REQUIRED** ( )
- **OTHER** ( )

Notes for Motion page:

Want to put this Agenda Item to another meeting, please select a meeting date: 6/19/07

Select department(s) that you want to send email to

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Select 2: --SELECT--

Select 3: --SELECT--

Save Changes | Cancel

Agenda Main Page

Final Approval For Agenda Number CAD070008

Wording of Agenda Item **View Detail**

Approve the reappointments of Justice of the Peace Pro Tems Leslie Sansone (JP5) and Ann Lund (emergency back up only) pursuant to A.R.S. §22-121; approve the current elected justices of the peace to serve as juvenile hearing officers, pursuant to A.R.S. § 8-323; reappointments and authorizations are for the period beginning July 1, 2007, to and including June 30, 2008.

BOS Notes before meeting

BOS Notes After Meeting

Approved w/ 2 votes, Mr. Newman being absent.

Final Approved Status

- **APPROVED** (●)
- **DISAPPROVED** ( )
- **TABLED** ( )
- **NO ACTION REQUIRED** ( )
- **OTHER** ( )

Notes for Motion page:

Want to put this Agenda Item to another meeting, please select a meeting date: 6/19/07

Select department(s) that you want to send email to

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Select 2: --SELECT--

Select 3: --SELECT--

Save Changes | Cancel

Agenda Main Page

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of: APPOINTMENT OF JUDGES PRO TEMPORE TO THE SUPERIOR COURT OF THE STATE OF ARIZONA IN AND FOR THE COUNTY OF COCHISE	PRO TEMPORE ORDER No. 2007 - 37

The presiding judge of the Superior Court of Arizona in Cochise County has requested the appointment of judges pro tempore to serve in that court for the purpose of enhancing the court's ability to process cases. Therefore, pursuant to A.R.S. § 12-141,

IT IS ORDERED that the following individuals are appointed as judges pro tempore to serve the Superior Court in Cochise County for terms beginning July 1, 2007, and ending June 30, 2008, in accordance with A.R.S. §§ 12-141 et. seq., and will serve as assigned by the presiding judge.

Donna Beumler	State Bar #014117
Michael Herbolich	State Bar # 001756
Jeanne Benda Whitney	State Bar #009022

IT IS FURTHER ORDERED that these appointments are conditioned upon the approval of the Cochise County Board of Supervisors pursuant to A.R.S. § 12-141, and upon the Superior Court in Cochise County obtaining appropriate funding from whatever source for the compensation due to said appointees pursuant to A.R.S. § 12-142(C) and A.R.S. § 12-143 for services as judges pro tempore.

DATED this 15th day of June, 2007.

RUTH V. MCGREGOR
Chief Justice

FILED

2007 JUL -6 PM 4:20

DENISE I. LONDIN
CLERK OF SUPERIOR COURT
BY

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

ADMINISTRATIVE ORDER NO. 2007-024

IN RE: ASSIGNMENT OF RETIRED JUDGE

Pursuant to Arizona Supreme Court Administrative Order No. 2007-43, attached hereto and incorporated herein, good cause appearing, it is

ORDERED the Honorable Thomas E. Collins, retired judge of the superior court, be assigned to preside over matters pertaining to the following cases in the Superior Court in Cochise County:

State of Arizona vs. Leonard Irwin Bacon, CR200100478

State of Arizona vs. Jon Edward Erickson, CR200100103

It is further **ORDERED** that Judge Collins shall be compensated pursuant to Article VI, Section 20, of the Arizona Constitution.

This **ORDER** shall be in effect until December 31, 2007.

DATED at Bisbee, Arizona, this 06th day of July, 2007.

WALLACE R. HOGGATT
Presiding Judge

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:	)	
	)	
CALLING A RETIRED JUDGE BACK TO ACTIVE DUTY	)	Administrative Order No. 2007-43
	)	
	)	
	)	

Pursuant to the request of the Presiding Judge in Cochise County, and it appearing necessary to the administration of justice that the Honorable Thomas Collins, a retired judge of that court, be temporarily authorized to perform the duties of a superior court judge and, in accordance with the authority granted to the Chief Justice by Article 6, Sections 3 and 20 of the Arizona Constitution; therefore,

IT IS ORDERED that the Honorable Thomas Collins, a retired judge of the Superior Court in Cochise County, is called back to duty for a term beginning upon signature of this Order and ending December 31, 2007, and is authorized to perform the duties of a superior court judge as assigned by the presiding judge.

IT IS FURTHER ORDERED that Judge Collins receive the difference between the rate of a sitting superior court judge and the retirement pay of the retired superior court judge salary pursuant to Article VI, Section 20 of the Arizona Constitution.

Dated this 14th day of June, 2007.

RUTH V. MCGREGOR
Chief Justice

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

FILED
07 JUL 30 PM 3:43
DENISE L. LUNDIN
CLERK OF SUPERIOR COURT
BY _____ DEPUTY

ADMINISTRATIVE ORDER NO. 2007-25

IN RE: APPROVAL OF USE OF FORCE POLICY IN COURT SECURITY

Good cause appearing and the Court having reviewed and approved, it is **ORDERED**

The Use of Force Policy for Court Security Officers, attached hereto and incorporated herein, is effective this date and until further order of this Court.

DATED at Bisbee, Arizona, this 30th day of July, 2007.

WALLACE R. HOGGATT
Presiding Judge

SECURITY

SUPERIOR COURT
COCHISE COUNTY

SUPERIOR COURT OF ARIZONA
IN COCHISE COUNTY
COURT SECURITY

USE OF FORCE 30

Supersedes:	Chief of Security:	Effective Date:
Use of Force, Revised July 28, 1996	Thomas J. Hilb	7/30/07

30.01 PURPOSE

A. The purpose of this policy is to establish guidelines regarding reasonable and acceptable Use of Force behavior, to provide for a high degree of officer safety and to provide for the treatment of any injury. It shall be the policy of this department to employ only reasonable and necessary force to overcome resistance to affect a detention and protect the officer or another in the performance of the officer's duty.

B. Security personnel may use less lethal defensive equipment when warranted, but only in accordance with the guidelines and procedures set forth in this policy. Less lethal defensive equipment not authorized in this policy may not be utilized in any Cochise County court facility.

30.02 DEFINITIONS

A. BODILY INJURY: Physical pain, illness, or any impairment from physical condition.

B. DEADLY FORCE: Deadly Force as used in this policy, is defined as intentional use of force, which can cause death or serious bodily injury or which creates a degree that a reasonable and prudent person would consider likely to cause death or serious bodily injury. It includes but is not limited to, use of firearms, neck restraint, and intentional intervention with a vehicle (forcible stops or ramming).

C. DE-ESCALATE: To use the least amount of force to stop the actions of a subject and reduce the amount of force applied as the threat is neutralized or controlled or the subject becomes compliant.

D. HOG-TIE: Connecting a leg restraint device with a hand restraint device, and positioning a subject in a facedown direction.

E. JEOPARDY: A hazard, a threat, or a peril.

F. IMMEDIATE THREAT: An immediate threat is considered to exist if the subject has demonstrated actions that would lead one to reasonably believe that a subject will continue to pose a threat of death or serious bodily injury if not detained without delay.

30.04 LEVELS OF CONTROL/FORCE

A. Once an officer determines to use physical force, the level of force used will be dependent upon the officer's perception of resistance and danger of that resistance, and whether that resistance is placing the officer or another in jeopardy of injury or death. It is important to note that each officer's perception of the danger of the level of resistance will be based upon his/her past training, experience, and knowledge of physical control techniques.

Officers should de-escalate the level of force applied once the threat is neutralized, controlled or the subject becomes compliant.

B. The levels of force specifically authorized by Cochise County Court Security in ascending order are:

1. Officer Presence/Verbal Direction
2. Physical Restraint
3. Soft Empty Hand Control
4. Chemical Agents/Advanced TASER (touch stun and probes)
5. Hard Empty Hand Control.

C. **Officer Presence/Verbal Direction:** The majority of situations can be resolved by good communication skills or verbal direction. Often, the mere presence of an officer and proper verbal direction will be sufficient to persuade most individuals to follow an officer's directions. In any verbal confrontation, fear and anger must be defused before a subject will be able to understand the officer's commands. This will require good communication skills and patience. Successful communication techniques can prevent many physical confrontations from escalating to higher levels.

D. **Handcuffs and Restraints:** The purpose of handcuffs, flexcuffs, or transport handcuffs is to restrain the movements of a subject in a manner that provides a safe means of transportation for officers. Restraints also prevent further physical resistance from the subject. The departmental policies for the use of restraints are as follows:

1. All subjects taken into custody should be handcuffed behind their back. This is to ensure the safety of the officer or other persons. Exceptions to this rule are:
   a. When the subject has an injury that does not permit his/her arms to move behind the back
   b. When the subject's age, physical condition, mental condition, or physical limitations may also indicate a change in this procedure to include handcuffing in the front or not using handcuffs at all. This decision should be based on:
      (1) Whether the subject posed an immediate threat to officers, themselves or others
      (2) Whether the subject was actively resisting or evading detention

G. LETHAL WEAPON: Any object or material, when in the manner it is used or intended to be used, is capable of producing death or serious bodily injury.

H. LESS-LETHAL WEAPON: Any object or material, when in the manner it is used or intended to be used, is not likely to result in death or serious bodily injury.

I. PHYSICAL OR NON-DEADLY FORCE: Any force, action or weapon that produces a result necessary to control the actions of another and does not involve the use of deadly force.

J. REASONABLE BELIEF: Having knowledge of facts which, although not amounting to direct knowledge, would cause a reasonable person, knowing the same facts, to reasonably reach the same conclusion.

K. SERIOUS BODILY INJURY: Bodily injury which, either at the time of the actual injury or a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree.

30.03 PHILOSOPHY

A. For the purposes of this policy, the use of force will be expressed from two perspectives; resistance and control. Both resistance and control can be in the form of verbal communication or physical action.

1. *Resistance* is manifested by a subject's attempts to evade an officer's attempt at control. The amount and type of resistance will vary, based on a variety of factors.
2. *Control* is the force an officer uses to influence or neutralize the unlawful, physical actions of a subject. Generally, there are four instances an officer is justified in using physical control methods. They are:
   a. To stop potentially dangerous and unlawful behavior
   b. To protect the officer or another from injury or death
   c. To prevent subjects from injuring themselves
   d. In the process of effecting a lawful arrest or detention.

B. *Justification* for the use of force by Court Security personnel is measured by two broad standards. First, the officer's use of control methods was initiated by a subject's resistance. Second, the level of physical force used by the officer was reasonable and necessary and not excessive when considering the type of resistance offered by the subject.

C. *Progression of Force:* Officers will consider and, if possible, employ a progression of force. The progression of force may not be possible under all circumstances. The levels of control are illustrated in the Levels of Control portion of this policy.

(3) All subjects handcuffed should have the handcuffs double-locked and checked for tightness. The exception to this rule is when the detention environment is tactically unsafe for the officer to double-lock the handcuffs.

2. If a subject complains the handcuffs are too tight, the detaining officer is to immediately ensure that unnecessary tightness, which may prevent proper blood circulation, does not occur.
3. To ensure proper safety for officers, all subjects will be handcuffed before being searched.
4. Except under exceptional circumstances, officers should not handcuff a subject to fixed objects such as posts, vehicles, buildings, etc.

E. **Empty Hand Control:** Physical control methods may be as subtle as gently guiding a subject's movements, to more dynamic techniques such as strikes or kicks that may have a higher potential of injury to the subject.

1. Soft Empty Hand Control: This level of control is designed for primarily low levels of resistance, but can be used to control any level of resistance. Soft Empty Hand Control techniques are techniques that have minimal or nonexistent possibility of injury. Generally, these techniques are used to control passive or demonstrator types of resistance and defensive resistance. However, Soft Empty Hand Control techniques can be utilized for any level of resistance.

Examples of Soft Empty Hand Control techniques are joint locks, strength techniques and the use of pressure points.

F. **Chemical Agents:** The department-approved chemical agent is a tool that can provide a means by which an officer can defend himself or another from injury and a means of controlling an offender when an officer is facing resistance in the form of active aggression or in certain cases, passive or defensive physical resistance. The policies of carrying and the uses of department-approved chemical agents are as follows:

1. No officer shall carry or utilize any chemical agent for which he or she has not been certified.
2. The chemical agent should be carried in an appropriate holder, never displayed or pointed at another individual in the form of horseplay.
3. At no time shall an officer unnecessarily brandish, or use the chemical agent as an intimidating device, unless the officer is attempting to prevent a further escalation of force.
4. In the event that chemical agents are used to control a subject, application of the agent will cease when the subject discontinues resistance or aggression or can be safely controlled.
5. Chemical agents are irritating to the eyes, nose and skin. Any time an officer uses a chemical agent for subject control, the officer will ensure that the subject will receive adequate medical attention as soon as possible.
6. If the subject refuses medical treatment, the officer will contact a Police or Fire EMT who will offer medical treatment to the subject again. A refusal to

the EMT shall be noted by the EMT on a First Care Form, which will be attached to the officer's use of force report. If treatment is requested, the subject should be transported to a medical facility for treatment as soon as possible.

7. When an officer transfers a subject who has been exposed to chemical agents, the officer will notify jail personnel in order to prevent unnecessary contamination of other jail occupants or jail staff.
8. Any time an officer finds it necessary to use a chemical agent for subject control, the officer will contact a supervisor for the purpose of informing the supervisor of the nature of the incident.

30.05 X-26 TASER PROCEDURES

A. Security Officers desiring to carry the TASER shall submit to the following screening and testing requirements:

1. Complete psychological screening administered by a psychologist approved by Court Administration.
   a. The Chief of Security or Court Administrator may deny authorization to carry a TASER if the results from the psychological evaluation indicate that the officer may be unfit.
2. Completed an approved training course and obtained certification to carry and deploy the TASER.

B. The TASER is an alternative less lethal application of force not intended to replace self-defense techniques. The use of the TASER shall be in accordance with required training programs. Only personnel who successfully completed the required training will be allowed to use them. The policies for carrying and uses of the TASER are as follows:

1. Security Officers may be required to carry the TASER while on duty. Exceptions to this include when officers are working administrative functions such as ceremonial duties, or administrative proceedings.
2. The TASER shall be worn on the duty belt in the issued holster.
3. The TASER shall be worn on the weak hand side.

C. The decision to use the TASER is based on the same criteria a Security Officer uses when selecting, if appropriately trained, to deploy chemical spray (OC). The decision must be made dependent on the actions of the subject(s) or the threat facing the Officer, and the totality of the circumstances surrounding the incident. In any event, the use of the TASER must be reasonable and necessary.

1. All personnel must be certified, as a user, by a TASER Certified Instructor prior to being authorized to deploy the TASER in and around a courthouse. This training shall consist of a minimum of four hours of instruction with the successful completion of a proficiency exam.

2. All trained personnel must attend an annual in-service training to remain certified.
   a. The Human Resources Director will maintain certification and re-certification records.

D. An Officer is authorized to use the X-26 after he/she has clearly displayed a physical presence and thus identified themselves as a Court Security Officer by making identification if they are not in uniform or clearly bearing official title. The Officer must also give verbal warning and verbal commands to a resisting subject or detainee if the situation allows. Verbal warnings and commands would not be necessary if reaction time was of the essence to officer safety or the safety of others. A subject failing to comply and showing NO INTENTION OF COMPLIANCE to the officer's official, lawful instructions may be incapacitated by the use of the X-26 TASER.

E. The use of this weapon should, in most cases, eliminate the need for actual hands-on active countermeasures and the possibility of officer or subject injury. Officers may, when trained, utilize soft empty hand control tactics prior to the use of the X-26 TASER based upon the totality of the circumstances. The officer is not required to attempt soft empty hand control tactics if the officer believes that they would be ineffective and/or the officer believes the use of the X-26 TASER would reduce the likelihood or possibility of more serious injuries to the subject, the officer, and third parties.

F. The X-26 TASER may also be utilized on a subject, previously under control, who suddenly reacts violently and requires immediate attention during the post detention and/or booking process.

G. The use of the X-26 TASER is intended solely as a control device to minimize injuries to the Officers and subjects. Its purpose is to enable the Officer to carry out his/her duties in a safe, efficient and most professional manner. The timely and appropriate use of the X-26 TASER can greatly reduce injuries to both Officers and subjects. Any escalated use of force may be thereby avoided.

H. Center mass of the body should be the primary target area when firing the X-26 TASER, particularly center mass of the back, as clothing tends to be tighter on this part of the body. The head and face should not be targeted unless the appropriate level of force can be justified. It is to be used as a way of averting a potentially injurious or dangerous situation.

I. When fired the X-26 TASER emits a sound similar to small caliber gunfire, although it is significantly lower in volume. Thus to reduce the likelihood of an accidental discharge of a back up officer due to a "sympathetic fire response" the Officer deploying the X-26 TASER should take appropriate steps to ensure safety. Anytime the X-26 TASER is to be deployed in a tactical setting, the Officer deploying the X-26 TASER shall announce that he/she is about to deploy by saying "TASER! TASER!" in a clear and audible tone, so that other Officers will be aware that the shot is from a X-26 TASER and not a firearm.

J. The X-26 TASER will never be used as a means of punishment. The X-26 TASER is a weapon and shall be treated as such with the same respect given to firearm safety. Horseplay of any type is forbidden. Violations of this policy will be considered serious infractions, which will result in disciplinary actions not to exclude the possibility of criminal prosecution if the situation warrants.

30.06 LIMITATIONS FOR THE USE OF THE X-26 TASER

A. Use of the X-26 TASER is prohibited in the following situations:

1. On any known or obviously pregnant female.
2. On any subject who is saturated with or in the presence of highly flammable or combustible materials and liquids.
3. On any subject who may receive a secondary injury resulting from a fall from its use, i.e. standing on a roof ledge.
4. On subjects who are handcuffed, unless they are physically violent ***and*** otherwise uncontrollable. (*See 30.05, paragraph E.*)
5. On subjects who are in the control of an officer and are not actively physically resisting.
6. On subjects who are in the control of an officer and pose no immediate threat of violence to self or others.
7. For the purposes of escorting or prodding, or waking unconscious or intoxicated individuals.
8. Waking, unconscious, or intoxicated, individuals.
9. On individuals in control of a moving vehicle.
10. On individuals holding a firearm when their finger is on the trigger.

B. The X-26 TASER has an effective range of 3 to 19 feet with a 21 foot cartridge. The recommended range for use of the X-26 TASER is between 5 to 15 feet. Range fewer than 3 feet may not provide adequate distribution of the probes to allow the unit to function properly.

30.07 DUTIES AFTER DEPLOYMENT OF THE X-26 TASER

A. Immediate action should be taken to care for the injured, to apprehend any subject, and to protect the area.

B. Once the subject is restrained or has complied the X-26 TASER should be turned off.

C. An X-26 TASER will not be left unattended except in exigent circumstances as when an Officer is forced to act alone in taking custody or an immediate threat.

D. Medical personnel will be summoned to the scene to assess the subject. If the exam or other circumstances dictate the subject needs further medical treatment, the subject will be transported to the nearest medical facility. Medical treatment will not be refused for anyone who requests it.

E. Probes located in sensitive areas such as the face, neck, groin or breast will be removed only by medical personnel.

1. The Officer will do removal of probes in other areas. The preferred method to remove the probe from tissue is to stabilize the flesh with one gloved hand at least 6 inches from impact point; this will minimize the chance of the barb hooking the skin of hand stabilizing the flesh. Firmly and quickly pull the probe free with the other gloved hand.
2. Inspect probe making sure the barb is still intact. Place the probe in a sharps container or into the expended cartridge bore.
3. Inspect puncture sites and wipe with alcohol or iodine wipes. Place a band-aid on puncture site as needed. **Probes that have been removed from skin will be treated as Biohazards and handled as such.**

F. A photograph of each injury caused by the TASER probe(s) shall be taken as soon as practicable after the incident.

G. Officer(s) will locate and identify any witnesses to the incident.

H. Contact appropriate Law Enforcement Agency to facilitate arrest if necessary.

I. Jail personnel shall be informed the subject was controlled by the use of an X-26 TASER.

30.08 OFFICER REPORTING REQUIREMENTS - TASER

A. The officer shall complete a detailed Incident Report describing all facts and circumstances related to the deployment of the TASER.

B. The on-duty supervisor shall be notified as soon as possible after the deployment of the X26 TASER.

C. The Officer that deployed the X-26 TASER will complete the Security Officer "Use of Force - TASER" form as required per policy.

D. If deemed necessary an investigation of TASER use may be ordered by the Chief of Security or Court Administrator.

E. Each TASER will be downloaded annually, by appropriately trained staff, and any time deemed necessary by the Department. Each time a TASER is fired or activated the officer will make written documentation of such use on the TASER DEPLOYMENT LOG that is maintained for each TASER. The Chief of Court Security will be responsible for maintaining these records. .

1. Exception to D above shall be TASER deployment during times of training.

30.09 Hard Empty Hand Control

A. This level of control is for high levels of defensive resistance or active aggression. These techniques are applied when lower forms of control have failed or are not applicable because the subject's resistance level was perceived at a dangerous level. Techniques that fall into this level of force have a probability of creating soft or connective tissue damage, skin lacerations that require medical attention or bone fractures. Although the use of these techniques may create some minimal injury to the subject, an officer may be risking injury to himself or have to utilize higher levels of control (such as impact weapons) if Hard Empty Hand Control had not been used.

Techniques that are considered as Hard Empty Hand tactics are: Striking techniques that may be delivered with an officer's open hand, fist, forearm, leg or foot. The target points for the types of strikes will be delivered to major muscle mass such as the legs, arms or shoulders. If the targets are these, the strikes will create muscle cramping, thus inhibiting muscle action. However, it may be necessary for the officer to strike areas where there is a potential for injury, such as the face or very sensitive areas of the body.

B. **Medical Considerations**: Any time an officer finds it necessary to strike a subject where an injury occurs, it is the policy of this department that the officer shall immediately contact a supervisor and advise the supervisor of the nature of the injury. The officer will insure that first aid is rendered and that proper medical attention is obtained.

C. **Neck Restraints:** Neck restraints, regardless of type, are **NOT** authorized.

30.10 OFFICER USE OF FORCE REPORTING REQUIREMENTS

A. The officer shall complete a detailed Incident Report describing all facts and circumstances leading to the use of force.

D. The on-duty supervisor shall be notified as soon as possible after the incident has been brought under control.

C. If deemed necessary an investigation into the use of force may be ordered by the Chief of Security or Court Administrator.

OFFICER USE OF FORCE REPORT -- TASER

Date/Time:_____TASER Officer's Name:_____

E-mail:_____ Department:_____

Name of Subject(s)_____

On Scene Supervisor:_____Officer(s) Involved:_____

TASER Model **(check one)**: ___X26 ___M26

Nature of the call or incident:_____Charges:_____Booked: Y / N

Location of Incident: _____Court House____Courtroom_____Hallway_____Parking lot

Type of Force Used **(check all that apply)**: _____Physical _____Less-lethaL_____Chemical

Nature of the Injuries and Medical Treatment Required:_____

Medical Exam: Y / N Suspect Under the Influence: Alcohol / Drugs **(specify)**:_____

Was a Security Officer, Police Officer, or Citizen Injured other than by TASER? Y / N

Incident Type **(circle appropriate response(s) below)**:

Civil Disturbance Violent Subject Barricaded Warrant Other

Age:___ Sex:___ Height:_____ Race:_____ Weight:_____

TASER use **(circle one)**: Success / Failure Suspect wearing heavy clothes: Y / N

Number of Air Cartridges fired:_____ Number of cycles applied:_____

Usage **(check one)**:_____Arc Display Only _____ Laser Display Only_____TASER Application

TASER: Is this a dart probe contact: Y / N Is this a drive stun contact: Y / N

Approximate target distance at the time of the dart launch: _____feet

Distance between the two probes: _____inches Need for additional shot? Y / N

Did dart contacts penetrate the subject's skin? Y / N Probes removed on scene? Y / N

Did TASER application cause injury? Y / N If yes, was the subject treated for the injury? Y / N

DESCRIPTION OF INJURY:_____

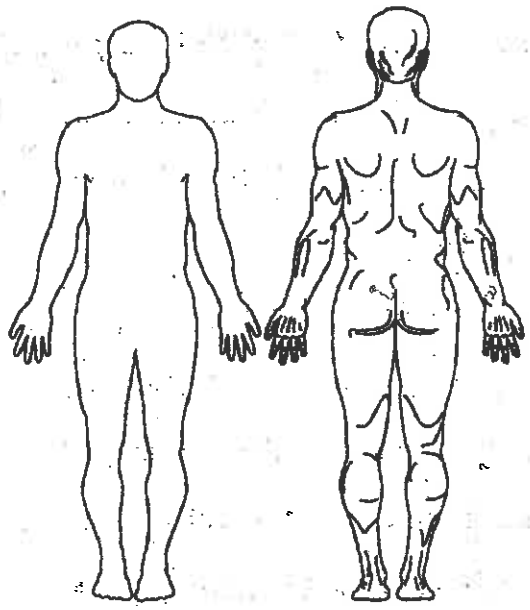
_____

_____

_____

APPLICATION AREAS

(Place "X's" where probes hit suspect AND "O's" where stunned)



SYNOPSIS:

_____

_____

_____

_____

_____

_____

Need for additional applications? Y / N Did the device respond satisfactorily? Y / N

Describe the subject's demeanor after the device was used or displayed?

_____

Chemical Spray: Y / N Baton or Blunt Instrument: Y / N

Describe other means attempted to control the subject:

Photographs Taken: Y / N Report completed by:_____

ADDITIONAL INFORMATION_____

_____

_____

TASER Serial #:_____Medical Facility:_____Doctor:_____

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

FILED
2007 AUG 13 PM 2:18
DENISE I. LUNDIN
CLERK OF SUPERIOR COURT
BY

ADMINISTRATIVE ORDER NO. 2007-26

IN RE: APPOINTMENT OF CHIEF INTERPRETER AND LAW LIBRARIAN

Upon the recommendation of the Court Administrator and otherwise good cause appearing, it is

ORDERED Frances Simmons be appointed as Chief Court Interpreter and Law Librarian of the Superior Court in Cochise County.

It is further **ORDERED** this appointment shall be effective September 9, 2007.

DATED at Bisbee, Arizona, this 13th day of Aug., 2007.

WALLACE R. HOGGATT
Presiding Judge

FILED

2007 AUG 29 AM 9:24

DENISE I. LUNSIN
CLERK OF SUPERIOR COURT
BY

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

ADMINISTRATIVE ORDER NO. 2007-027

IN RE: REGULAR AND SPECIAL ASSIGNMENTS OF JUDGES

Pursuant to the provisions of Rule 92(a)(1), Rules of the Supreme Court of Arizona, and Rules (1)(b) and (c), Local Rules of Practice of the Superior Court, Cochise County, pertaining to regular and special assignments of all judges in this court, and otherwise good cause appearing, it is

ORDERED as follows:

1. Division Six is the designation for the Superior Court Judge *Pro Tempore* division.

2. Division Six shall hear such matters, in such locations, as assigned by the Presiding Judge.

3. Division Seven is the designation for any and all visiting judges.

4. Effective September 01, 2007, all newly filed adult criminal cases each week shall be divided equally between Divisions Two, Three, and Five. Separate files involving co-defendants charged in the same indictment or information shall, to the extent practicable, be assigned to the same division.

5. Effective December 01, 2007, all newly filed domestic relations cases shall be assigned as follows: 40% to Division One; 20% each to Divisions Two, Three and Five.

6. All newly filed civil cases shall be divided equally between Divisions One, Two, and Five. No newly filed civil cases shall be assigned to Division Three, unless under exigent circumstances or by separate order of this court.

7. All newly filed adoption cases shall be assigned to Division Four.

8. All sexually violent persons cases, all mental health cases, and all appeals from limited jurisdiction courts shall be assigned to Division Three.

9. All interstate compact cases shall be assigned to Division Two.

10. All intrastate transfer of jurisdiction cases shall be assigned to Division Five.

11. All newly filed guardianship, conservatorship, and probate cases shall be assigned to Division Six – and all such cases pending in this Court shall be reassigned to Division Six – unless under exigent circumstances or by separate order of this court.

12. All IV-D matters, whether newly filed cases or filed in existing domestic relations cases, shall be assigned to Division Six, unless under exigent circumstances or by separate order of this court.

13. Except as set forth herein, all cases pending as of August 29, 2007, shall remain in the divisions to which they are currently assigned.

14. This administrative order shall be effective September 01, 2007, and shall thereafter supersede and supplant all previous administrative orders making regular and special assignments of judges in this court.

DATED at Bisbee, Arizona, this 29th day of August, 2007.

WALLACE R. HOGGATT
Presiding Judge

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

FILED

2007 AUG 30 PM 3:32

DENISE I. LUNDIN
CLERK SUPERIOR COURT

BY _____

ADMINISTRATIVE ORDER NO. 2007-28

IN RE: ADOPTION OF COCHISE COUNTY LIMITED JURISDICTION COURTS VOIDING PROCEDURE

Good cause appearing and with the approval of the Cochise County Justices of the Peace and Magistrates at the quarterly local limited jurisdiction courts meeting held in Benson, Arizona on August 28, 2007,

IT IS HEREBY ORDERED, that the attached "Voiding Procedure" is hereby adopted and is applicable to the justice and magistrate courts of Cochise County.

Dated at Bisbee, Arizona, this 30th day of August, 2007.

WALLACE R. HOGGATT
Presiding Judge

COUNTY OF COCHISE
STATE OF ARIZONA

The foregoing instrument is a full, true and correct copy of the original on file in this office.
Attested August 30, 20 07
DENISE I. LUNDIN, Clerk
By _____ Deputy

Voiding Procedures

- Introduction -

A receipt should be voided for any valid cause other than the payment being returned to the court for non-sufficient funds. Generally, a receipt should only be voided in the same month it was issued. A receipt issued in a prior month should not be voided, rather the allocation should be negated or changed using Case Financial Docket adjustments. As long as the End of Month reconciliation has not been performed, voiding a receipt is acceptable. The daily fee book associated with the voided receipt and/ or replacement receipt should be run again. Voiding a receipt removes the amount from the payment column and increases the ending balance for each receivable type affected by the voided receipt.

When a receipt is voided, the ROA displays a "V" in the Void column next to the receipt. The Amount column remains unchanged. To view the voided receipt, enter a 'Y' in the View Payment History Only box, highlight the receipt event and press Enter – the receipt detail view screen will appear. The receipt displays as voided. The second memo line is replaced with the deputy number and the date the receipt was voided. Another way of viewing the receipt is to highlight the receipt in the ROA and then press F5 to View Event Description.

I. Voiding a Receipt

- A person creating the receipt should not void the receipt.
- Print the receipt to be voided.
- The person who issues the receipt and the person voiding the receipt need to initial the voided receipt. Additionally, write "Void" on the receipt, state the reason for voiding and the date voided.
- File the voided receipt in a separate file.
- Voided receipts must be retained and may be destroyed in accordance with the Records Retention and Destruction Schedule (Court Financial Records)

A. Voiding a payment receipt paid by check

- Void a payment receipt only in current month – prior months voided receipts need to be corrected using case financial docket entries.
  - ***Exceptions:***
    - As long as the End of Month reconciliation has not been performed, voiding a receipt is acceptable.
    - If a correction to a previous month's receipt is necessary and the allocation will not change, voiding a receipt is an acceptable procedure. (For example, money was receipted for a check instead of cash. The daily and monthly fee book report should be run again to show the correction).
    - The person who issues the check can also void the disbursement check.

- The voided check needs to be kept with the check stubs.

- ***AZTEC Navigation:***
  - Money Management > Receipting > Receipts Journal > Void Receipts
  - Enter receipt number to be voided
  - State the reason for the void
  - Place initials after comment
  - CTRL-T to save the entry

B. Voiding a credit card receipt (before finalizing the batch procedure for the credit card terminal)

- ***AZTEC Procedure***:
  - Void the receipt in AZTEC
- ***Credit Card Terminal Procedure:***
  - Void a credit card charge if an error was made
  - Press the "Void" button and follow displayed instructions.

C. Credit Card Refund (after finalizing the batch procedure for the credit card terminal)

- ***AZTEC Procedure:***
  - Void the receipt in AZTEC in the same month, or complete the necessary case financial docket entries for prior months.
- ***Credit Card Terminal Procedure:***
  - Negate a credit card charge back (refund) with the credit card machine.
  - On the credit card machine proceed as follows:
    - Press "Cancel"
    - Press "Refund"
    - Enter Credit card number and press "Enter"
    - Enter Expiration Date and press "Enter"
    - Enter amount of refund and press "Enter"
    - The transaction receipt for the refund will print to be included in the daily batch.

D. Voiding a bond receipt

- ***AZTEC Procedure:***
  - Void original receipt in AZTEC using "Void Receipts"
  - Navigation: Money management > Receipting > Receipts Journal > Void Receipts
  - The bond is removed from the Outstanding Bail section of the Bail Account Retrieval Report
  - Note: A cash bond transfer receipt cannot be voided in AZTEC

E. Voiding a disbursement check

- ***AZTEC Procedure:***
  - Use the Stop Payment screen in AZTEC
  - Enter the bank number
  - Enter the check number
  - Enter event code (need event code!)

II. Dishonoring Payments

A. NSF check

- A payment should be dishonored when it is returned to the court by a bank for non-sufficient funds (NSF). Receipts associated with NSF checks may be dishonored regardless of whether the receipt was issued in the current or a prior month. Dishonored payments will also show in the Allocation Detail Report in the Dishonored Payment portion of the report.
  - The original receipt number associated with the returned check is necessary to perform the dishonoring process. Dishonor dates before the original receipt date or after the current date are disallowed. Courts should use the current date to dishonor a check.
  - Use the following event codes: 5902 Pymt: Bad check fee, or 5863 NSF/ No Fee charged
- ***AZTEC Navigation:***
  - Main Menu > Money Management > Receipting > Dishonor a Payment
- ***Procedure:***
  - Enter number of receipt to be dishonored and answer 'YES' to pop up message. Enter the date the court received dishonor notice from bank, not the original receipt date – this action will write to the fee book. Enter event code and enter 'YES' to pop up box. When a receipt is dishonored, the memo text is replaced with the dishonor details.. In the receivables retrieval, after dishonor the Assmnt/ Adj column (+) increases each receivable type proportionally. The Payment column is unchanged.

B. Bond NSF:

- When the payment being dishonored is for the posting of a cash bond, one extra step is required. The original offsetting event (the 'Bond Ordered' event, i.e. 5076) must be deleted manually, followed by a manual receivables totaling. Deleting the 'ordered' event and manually totaling the case corrects the Receivables Retrieval screen.

C. Reports:

- ***Print Receipt Edit Report*** generates a list of all receipts included in a date or receipt number range. Included are valid, voided and dishonored receipts. The date, register number, deputy ID, party and memo entries are printed for each receipt.
- ***Allocate and Print Fees Report (Fee Book)*** will reflect dishonored payments in the Dishonored Amount, affecting the net amount. Any adjustment made using the case financial docket screen with the 'P' will be reflected in the Adjusted Amnt column. Positive case financial entries made with the 'P' will be reflected as a minus in the fee book and vice a versa.

III. Miscellaneous Receipting

A. Note:

- No case number required for any receipts; receipts cannot be retrieved unless a receipt number is available.

B. Use for:

- Copies
- Record Searches

C. AZTEC Navigation:

- Money Management > Receipting > Receipts Journal > Miscellaneous

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

FILED
2007 SEP 11 AM 8:57
DENISE I. LONDIN
CLERK OF SUPERIOR COURT
BY

ADMINISTRATIVE ORDER NO. 2007-029

IN RE: THE APPOINTMENT OF JUSTICES OF THE PEACE, *PRO TEMPORE*

Pursuant to the provisions of A.R.S. §22-121 as amended:

IT IS HEREBY ORDERED that Michael J. Herbolich and Ann S. Lund be and are hereby appointed Justices of the Peace, *Pro Tempore*, for all precincts, Cochise County, for the term commencing this date and ending June 30, 2008.

DATED at Bisbee, Arizona, this 10th day of September, 2007.

WALLACE R. HOGGATT
Presiding Judge

FILED

07 NOV 26 PM 2:56

DENISE I. LUNDIN
CLERK OF SUPERIOR COURT
BY _____
DEPUTY

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

ADMINISTRATIVE ORDER NO. 2007-30

IN RE: THE APPOINTMENT OF JUSTICE OF THE PEACE PRO TEMPORE FOR THE PURPOSE OF CONDUCTING A WEDDING CEREMONY

Good cause appearing, it is **ORDERED**

The Honorable George Kirmse, retired justice of the peace in Sierra Vista, Arizona, be appointed as a Justice of the Peace Pro Tempore under the following terms and conditions:

A. For the purpose of conducting a wedding ceremony on December 22, 2007.

B. Not for any other official judicial act or decision.

It is further **ORDERED** this appointment is effective for the date of December 22, 2007, only, and shall thereafter be null and void.

DATED at Bisbee, Arizona, this 23rd day of November, 2007.

WALLACE R. HOGGATT
Presiding Judge

COUNTY OF COCHISE
STATE OF ARIZONA
The foregoing instrument is a full, true and correct copy of the original on file in this office.
Attested November 26 2007
DENISE I. LUNDIN, Clerk
By _____ Deputy

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

FILED
2007 NOV 28 PM 2:08
DENISE J. LUNDIN
CLERK OF SUPERIOR COURT
DEPUTY

ADMINISTRATIVE ORDER NO. 2007-31

IN RE: ADOPTION OF COCHISE COUNTY LIMITED JURISDICTION COURTS UNCLAIMED FUNDS/ESCHEATING POLICY

Good cause appearing and with the approval of the Cochise County Justices of the Peace and Magistrates at the quarterly local limited jurisdiction courts meeting held in Willcox, Arizona, on November 27, 2007,

IT IS HEREBY ORDERED, that the attached "Unclaimed Funds/Escheating Policy" is hereby adopted and is applicable to the justice and magistrate courts of Cochise County.

Dated at Bisbee, Arizona, this 28th day of November, 2007.

WALLACE R. HOGGATT
Presiding Judge

COUNTY OF COCHISE
STATE OF ARIZONA

The foregoing instrument is a full, true and correct copy of the original on file in this office.
Attested: November 28, 20 07
DENISE J. LUNDIN, Clerk
By Deputy

Unclaimed Funds/Escheating Policy

Escheatment is the reversion of property to the state in the absence of legal heirs or claimants. In the courts, funds are usually considered unclaimed when there are checks that have not been cashed and/or unidentified funds that cannot be applied to a case or refunded to the payer. The courts need to identify outstanding and unclaimed monies. Outstanding monies/ funds can be transmitted to the County Treasurer (Justice Courts) per ARS § 22-116, the Department of Revenue (Municipal Courts) per ARS § 44-308, reimbursed to other courts/ agencies, or reimbursed to the payee accordingly.

1. **Unclaimed Funds – Justice Courts:**

By April 1st of each year Justice Courts are required to compile a list of all unclaimed funds on deposit with the court for more than two (2) years and to submit those funds to the County Treasurer.

The list should display:

- The date of deposit
- The name of the person depositing the money with the justice court
- The amount of deposit
- A case number if available (this is not required by statute but may assist an individual making a claim with the Treasurer)

Send the list with a check to the County Treasurer for the total amount of the list.

Courts should be sure to hold the funds for the entire allowable period of time before submitting to the County Treasurer.

2. **Unclaimed Funds – Municipal Courts**

By November 1st of each year Municipal Courts are required to submit all unclaimed funds on deposit with the court for more than three (3) to the Arizona Department of Revenue (DOR) in accordance with ARS 44-302, 44-307 and 44-308. The court should make a final attempt to contact the party 120 days prior to remitting the funds to the DOR.

The Municipal Court shall make a report to the DOR that contains the following:

A description of the property

The last known address, social security number or taxpayer identification number of the owner of the property with a value of at least $50

An aggregate amount of items with a value of less than $50 each

The date of the check issued or deposit made

Send the report with a check for the amount shown on the report to the Arizona Department of Revenue.

Courts should be sure to hold the funds for the entire allowable period of time before escheating to the DOR.

3. **Check procedure:**
   If a check is received by the court and readily identifiable as not belonging to the court, i.e. endorsed to another court or agency, do not endorse the check, but rather return it to the sender, or the appropriate court, or agency.

4. **Unidentifiable Checks:**
   All checks are to be endorsed immediately, i.e. "For Deposit Only to (court's name)" , and to be deposited within one day upon receipt (MAS I.3).
   a. If the signature on a check is illegible and there is no return address on an envelope or the check and no case number:
      i. Duplicate the check (photocopy).
      ii. Place the copy in a file labeled "unidentified monies". The "unidentified monies" file is a paper trail for potential disputes over payments.
      iii. Deposit the check in the suspense account.
   b. Unidentifiable funds should be endorsed and placed in a "suspense" account (BN case number to be applied) until research can be done to determine where the funds belong (which may include contacting the payer). When determined, the monies need to be transferred accordingly or use the AZTEC case transfer module.

5. **Outstanding Checks:**
   On at least a monthly basis, investigate all checks disbursed by the court that are outstanding for more than six months.
   a. Send a letter to the payee's last known address advising the payee that the check has not been cashed, and if the payee does not cash the check, or contact the clerk within 30 days, payment will be stopped and the funds will be turned over to the local treasurer as unclaimed fees.
   b. If the payee responds that the check has been lost, reissue the check by following the procedures for canceling a check.

FILED
2007 DEC -7 PM 4:24
DENISE I. LUNDIN
CLERK OF SUPERIOR COURT
BY

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

ADMINISTRATIVE ORDER NO. 2007-32

IN RE: CONTINUING EDUCATION REQUIREMENT EXTENSION FOR ARIZONA PRIVATE PROCESS SERVER

Good cause appearing, Arizona Private Process Server, Mr. Todd Tenney, having requested an extension of time to comply with the Continuing Education Requirements, as set forth in the Arizona Code of Judicial Administration, Section §7-204,

IT IS HEREBY ORDERED that Mr. Tenney is granted an extension of time to obtain the mandatory Continuing Education, not to extend beyond Tuesday, December 11, 2007.

IT IS FURTHER ORDERED that documentation of attendance or completion of this required education be submitted to this court, no later than Friday, December 14, 2007.

DATED at Bisbee, Arizona, this 7th day of December, 2007.

WALLACE R. HOGGATT
Presiding Judge

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

FILED
2007 DEC 21 PM 3:21
DENISE I. LUNGIN
CLERK OF SUPERIOR COURT
BY

ADMINISTRATIVE ORDER NO. 2007-034

IN RE: ASSIGNMENT OF RETIRED JUDGE

Pursuant to Arizona Supreme Court Administrative Order No. 2007-104, attached hereto and incorporated herein, good cause appearing, it is

ORDERED the Honorable Thomas E. Collins, retired judge of the superior court, be assigned to preside over matters pertaining to the following cases in the Superior Court in Cochise County:

State of Arizona vs. Leonard Irwin Bacon, CR200100478

State of Arizona vs. Jon Edward Erickson, CR200100103

It is further **ORDERED** that Judge Collins shall be compensated pursuant to Article VI, Section 20, of the Arizona Constitution.

This **ORDER** shall be in effect until June 30, 2008.

DATED at Bisbee, Arizona, this 21st day of Dec., 2007.

WALLACE R. HOGGATT
Presiding Judge

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of: CALLING A RETIRED JUDGE BACK TO ACTIVE DUTY	)	Administrative Order No. 2007 - 104

Pursuant to the request of the Presiding Judge in Cochise County, and it appearing necessary to the administration of justice that the Honorable Thomas Collins, a retired judge of that court, be authorized to participate in and sign decisions and, in accordance with the authority granted to the Chief Justice by Article 6, Section 3 of the Arizona Constitution; therefore,

IT IS ORDERED that the Honorable Thomas Collins, a retired judge of the Superior Court in Cochise County, is called back to duty for a term beginning January 1, 2008 and ending June 30, 2008, and is authorized to participate in the resolution of cases.

IT IS FURTHER ORDERED that this appointment is conditioned upon the Cochise County Board of Supervisors and the Superior Court in Cochise County obtaining appropriate funding from whatever source for the compensation and expenses due Judge Collins pursuant to Article VI, Section 20 of the Arizona Constitution.

Dated this 21st day of December, 2007.

REBECCA WHITE BERCH
Vice Chief Justice