

## **Regional Municipalities Veterans Treatment Court**

### **Memorandum of Understanding**

This Memorandum of Understanding ("MOU") is entered into between the City Court of the City of Tucson ("City"), the Pima County Consolidated Justice Court as authorized by the Presiding Judge of the Pima County Superior Court, the Justice Court Green Valley, and the Pima County Attorney's Office ("PCAO") (collectively, the "Parties").

#### **RECITALS:**

Whereas the Parties to this agreement desire to engage in a Treatment Court that will serve eligible defendants who served in the military, are living in Pima County, and have been charged in the Pima County Consolidated Justice Court with an eligible offense, as determined by PCAO ("defendant");

Whereas the Parties to this agreement desire to have one court accessible to all defendants who have served in the military and are either eligible for services with the Veteran's Administration or with a City-designated non-profit organization;

Whereas the City's Regional Municipalities Veterans Treatment Court ("RMVTC") is a collaboration between the Cities of Tucson and South Tucson and the Towns of Marana, Oro Valley, and Sahuarita;

Whereas it is in the interests of both defendants who have served in the military and the Pima County Attorney's Office that such cases are adjudicated in a uniform and consistent manner;

Whereas the Parties agree that the RMVTC shall serve this purpose and desire that the City may have concurrent jurisdiction over certain cases involving defendants who served in the military and are charged in the Pima County Justice Court;

Whereas A.R.S. § 11-365 vests the county attorney with the sole discretion to decide whether to divert or defer prosecution of an offender, and the Pima County Attorney wants certain defendants who have served in the military to avail themselves of processes and resources of the RMVTC; and

Whereas A.R.S. § 22-601 provides the presiding judge of the superior court with the authority to establish a veteran's court in a justice court or municipal court and to establish the criteria for a referral to the veteran's court.

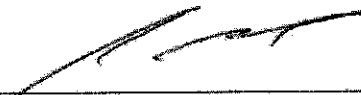
#### **MEMORANDUM OF UNDERSTANDING**

Based on the foregoing recitals, which are incorporated here as the intention of the Parties in entering into this MOU, the Parties agree as follows:

1. There will be one RMVTC which is located at the Tucson City Court at 103 East Alameda, Tucson, Arizona 85701.

2. If the PCAO determines that a case is eligible for referral to the RMVTC, and the defendant signs an agreement waiving any objection to the jurisdiction of, and agreeing to participate in the RMVTC, the PCAO shall refer the case to the RMVTC and the City. The referral shall be in paper form and sent by email to the RMVTC by PCAO.
3. Once accepted by the City, the referred files shall be entered into the Tucson City Court case management system.
4. The Presiding Judge of the Pima County Superior Court agrees to designate Tucson City Court Magistrate Thaddeus Semon, or his successor, as Judge Pro Tempore of the Pima County Consolidated Justice Court and the Green Valley Justice Court, for the purpose of adjudicating cases referred to RMVTC, if approved pursuant to A.R.S. § 22-121 by the Pima County Board of Supervisors.
5. Justice of the Peace Alexander Ball, or his successor, if approved by mayor and council pursuant to Tucson City Code § 8-2.2(a) or if appointed by the presiding magistrate of the Tucson City Court pursuant to Tucson City Code § 8.2-5, but without the compensation as described under T.C.C. § 8-2.2(b), shall serve as back up judge to the City RMVTC Magistrate or his successor for cases originating in the Tucson City Court. Justice of the Peace Alexander Ball, or his successor, may also serve as back up to Magistrate Thaddeus Semon, or his successor, in the event the municipalities of Marana, Sahuarita, and Oro Valley, and the United States Attorney's Office, approve in their referred matters.
6. The PCAO agrees to the disposition of referred cases in the following manner:
  - a. Upon referral to the RMVTC, the defendant and a Veterans Services representative or a City-designated non-profit organization shall develop a treatment plan through their respective entities. The prosecution and defense shall develop an agreement that incorporates the treatment plan.
  - b. If the defendant successfully completes the RMVTC, the PCAO will dismiss the charges upon which the referral to the RMVTC was based. If no charges are pending, the PCAO agrees it will not refile or further pursue the charges upon which referral to the RMVTC was based.
  - c. In the event the defendant fails to complete the RMVTC or is removed from the program for any reason, the PCAO may pursue the charges upon which the referral was based, including pursuing pending charges or refiling charges.
7. Nothing in this MOU shall be construed as limiting or affecting the authority or legal responsibility of either party, or as binding either party to perform beyond the authority of each, or to require them to assume or expend any monies.

Agreed to and accepted this 16<sup>th</sup> day of August 2023.



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City of Tucson




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Hon. Jeffrey Bergin

Presiding Judge

Pima County Superior Court



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Hon. Raymond Carroll

Justice of the Peace Green Valley



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Laura Conover

Pima County Attorney

Approved as to form

Alan J. Merrill  
for Mr. Duane Rankin