

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
SOMERTON MUNICIPAL COURT) Administrative Order
) No. 2011 - 33
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_____)

The Presiding Magistrate of the Somerton Municipal Court recently informed the Administrative Office of the Courts (AOC) of a possible theft in the Somerton Municipal Court. The theft allegation was referred to local law enforcement for investigation and that investigation is underway.

Separate from the criminal investigation, the AOC conducted a review of court operations of the Somerton Municipal Court. This review found significant financial management and case processing deficiencies.

Now therefore, pursuant to Article VI, section 3, of the Arizona Constitution,

IT IS ORDERED that administrative control and oversight of day-to-day operations of the Somerton Municipal Court shall be assumed by the Honorable Andrew Gould, Presiding Judge of the Superior Court in Yuma County. In addition to day-to-day operations, administrative control shall also include control of all court records which shall be maintained on the premises of the court.

IT IS FURTHER ORDERED that all books and records of the Somerton Municipal Court, wherever located, are placed in the constructive possession of the presiding judge of the Superior Court in Yuma County, or his designee. The records shall remain on the premises of the Somerton Municipal Court unless the business needs of the court require case records to be located elsewhere, and the presiding judge of the Superior Court authorizes their removal to another location.

IT IS FURTHER ORDERED that no paper or record of the Somerton Municipal Court shall be altered or destroyed.

IT IS FURTHER ORDERED that the presiding judge of the Superior Court and the presiding magistrate of the Somerton Municipal Court shall immediately secure the records of the municipal court to prevent unauthorized destruction, removal, or alteration of court records.

IT IS FURTHER ORDERED that the AOC shall immediately secure the electronic records maintained by the AOC, including case and financial related records and email, of the Somerton Municipal Court.

IT IS FURTHER ORDERED that the presiding magistrate of the Somerton Municipal Court shall continue to manage and operate the court under the supervision of Presiding Superior Court Judge Gould. Judge Gould may issue such orders as may be required to ensure the proper and independent operations of the Somerton Municipal Court and to see to it that deficiencies are corrected.

Dated this 28th day of February, 2011.

REBECCA WHITE BERCH
Chief Justice