

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

FILED

IN AND FOR THE COUNTY OF MOHAVE

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2014 SEP 17 PM 2:35

HONORABLE STEVEN F. CONN
DIVISION 3
DATE: SEPT. 17, 2014

SC*
VIRLYNN TINNELLY CLERK
SUPERIOR COURT CLERK

COURT NOTICE/ORDER/RULING

STATE OF ARIZONA,
Plaintiff,

vs.

JUSTIN JAMES RECTOR,
Defendant.

No. CR-2014-01193

The Court in its capacity as Presiding Criminal Judge enters this Order to resolve what is anticipated to be possibly conflicting Orders entered by 2 judicial officers who are either assigned to this case or will conduct hearings in this case. To put this in some perspective, this case has been assigned to Judge Jantzen, but the Arraignment will be done by Commissioner Gregory pursuant to a policy whereby he presides over all the arraignments of defendants who are in custody. Assessing the wisdom of that policy is not the purpose of this Order. The Court understands that Commissioner Gregory does not have any staff assigned to him but that Judge Williams' judicial assistant handles his calendar and other scheduling issues. Commissioner Gregory has asked Judge Williams' judicial assistant to enter an Order regarding a request by at least 2 media outlets to record the Arraignment in this case on September 19, 2014. The Court has received a copy of that proposed Order. Judge Williams' judicial assistant has contacted this Court informally before issuing that Order because she was aware that Judge Jantzen has already entered an Order in this case that



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may be perceived as conflicting with the Order that Commissioner Gregory proposes to enter.

This case is assigned to Judge Jantzen. Commissioner Gregory's only involvement in this case will be to do the Arraignment. The Court is unaware what, if any, limitations have been placed on what Commissioner Gregory can do at an arraignment. This Court is aware that it has expressed that it does not want Commissioner Gregory to hear defense motions to review release conditions on its cases at the arraignments over which he presides, but that is just this Court's personal preference. The Court is aware through informal discussions among the bench that this position may not be shared by other judges on the criminal bench. Since Judge Jantzen has resumed handling criminal cases only since September 8, 2014, the Court has no idea what his preference will be.

Rule 122, Rules of the Supreme Court of Arizona, was modified effective as of January 1, 2014. The Court has not compared the new rule with the old, having no reason to do so. Any experience this Court has with the rule and any orders it has previously issued pursuant to the rule dealt with the prior version of Rule 122. Rule 122(c)(1) requires that a request to record a proceeding must be submitted to the judge who will conduct the proceeding. Although perhaps not really clarified in the rule, the provisions of Rule 122 certainly seem to contemplate that the judge to whom the request is made will rule on the request. The Court determines that any request to record the Arraignment scheduled for September 19, 2014, before Commissioner Gregory should be submitted to and must be ruled on by Commissioner Gregory, notwithstanding the fact that Judge Jantzen has already entered an Order addressing an identical request. The Court believes these 2 potential Orders can be reconciled by noting that Commissioner Gregory's Order will apply to the Arraignment on September 19, 2014, and Judge Jantzen's Order will apply to all other proceedings. Of course, it

may be that Commissioner Gregory will eventually enter an Order that does not conflict with Judge Jantzen's Order. Whether this scenario is likely to reoccur in the future and whether any clarification of Commissioner Gregory's duties and responsibilities is necessary is not for this Court to say.

cc:

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Superior Court Administrator

Mohave County Public Defender*

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Clerk of Superior Court

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