

ADMINISTRATIVE PLAN
Sixth Judicial District
Sebastian County District Court - Fort Smith District
Effective: January 1, 2024

1. JUDGES

The Sixth District is composed of the Greenwood District of Sebastian County and the Fort Smith District of Sebastian County. The Fort Smith District of Sebastian County has one (1) district court with three (3) departments and one (1) judge for each department in accordance with A.C.A. §16-17-1110(6).

Judge	Division Number
Amy Grimes	Division 1
Wendy Sharum	Division 2
Sam Terry	Division 3

Are there exchange agreements with other district judges utilized?

- Yes
- No

Has a small claims magistrate been designated by the administrative judge of the judicial circuit?

- Yes
- No

Small Claim Magistrate	County	City Designated as Department
Not Applicable		

2. DEPARTMENTS

The statutory authority for the organization and designation of this district court is at A.C.A. §16-17-1110(6).

The assignment of judges to departments is determined by mutual agreement of the state district court judges in the Sixth District as follows:

Judge	County	City Designated as Department	
Amy Grimes	Sebastian	Fort Smith	901 S. B Street
Wendy Sharum	Sebastian	Fort Smith	901 S. B Street
Sam Terry	Sebastian	Fort Smith	901 S. B Street

Consolidation of City Courts with District Courts

Are all towns or cities statutorily designated as departments still operating as departments of the district court?

- Yes
- No

Town/City Abolished as Department	Effective Date
Not Applicable	

3. OTHER JURISDICTIONAL AREAS

City/Town Department Where Cases are Filed/Heard

Not Applicable

4. COURT SESSIONS AND TYPES OF CASES BY SUBJECT MATTER (CRIMINAL, TRAFFIC, CIVIL, SMALL CLAIMS)

The Sixth District, Fort Smith District Judges rotate court sessions and types of cases on a daily basis. Cases are randomly assigned and allocated as follows:

Division 1 (Judge Amy Grimes): One-third (33 1/3%) of all criminal cases, one-third (33 1/3%) of all traffic cases, fifty percent (50%) of all small claims cases, one hundred percent of (100%) Adult Drug Court specialty court cases, and other alternative dockets on an as needed basis.

Division 2 (Judge Wendy Sharum): One-third (33 1/3%) of all criminal cases, one-third (33 1/3%) of all traffic cases, fifty percent (50%) of all small claims cases, one hundred percent (100%) of DWI specialty court cases.

Division 3 (Judge Sam Terry): One-third (33 1/3%) of all criminal cases, one-third (33 1/3%) of all traffic cases, one hundred percent (100%) of all civil cases, one hundred percent (100%) of the environmental/city ordinance specialty docket and other alternative dockets on an as needed basis.

The Sebastian County Courts Building located at 901 South B Street in Fort Smith, Arkansas houses all three (3) of the District Judges offices and the District Court Clerks Office. There are three (3) district courtrooms utilized by the district judges on a rotating basis.

Sessions of the court are generally scheduled on the following days of the week at the following times:

District/Division	Department	Day	Time	Type of Case
<u>Criminal</u>				
Division 3	Monday		9:00AM	Trials/Preliminary Hearings
Division 1	Monday		9:15AM	Prisoner Video Arraignments
Division 3	Monday		1:30 PM	Arraignments, Pleas, Sentencing
Division 1	Tuesday		9:00 AM	Trials/Preliminary Hearings
Division 2	Tuesday		9:15 AM	Prisoner Video Arraignments
Division 1	Tuesday		1:30 PM	Trials/Preliminary Hearings
Division 2 (1 x month)	Wednesday		8:30 AM	Bond Forfeiture Hearings
Division 2	Thursday		9:00 AM	Trials/Preliminary Hearings
Division 3	Thursday		9:15 AM	Prisoner Video Arraignments
Division 2	Thursday		1:30 PM	Arraignments, Pleas, Sentencing
Division (all 3 rotate)	Saturday		9:00 AM	Probable Cause Determination Hearings
<u>Traffic</u>				
Division 2	Monday		9:00 AM	Arraignments, Pleas, Sentencing
Division 1	Monday		9:15 AM	Prisoner Video Arraignments
Division 2	Monday		1:30 PM	Pre-Trials, Pleas, Sentencing
Division 3	Tuesday		9:00 AM	Arraignments, Pleas, Sentencing
Division 2	Tuesday		9:15 AM	Prisoner Video Arraignments

Division 3	Tuesday	1:30 PM Prisoner Pleas, Sentencing
Division 3 (2 x month)	Wednesday	9:15 AM Arraignments-City Ordinance Violations
Division 3 (2 x month)	Wednesday	9:30 AM Trials-City Ordinance Violations
Division 1 & 2 rotate (2xM@)	Wednesday	1:30 PM Trials, Pleas, Sentencing
Division 1	Thursday	9:00 AM Arraignments, Pleas, Sentencing
Division 3	Thursday	9:15 AM Prisoner Video Arraignments
Division 1	Thursday	1:30 PM Trials, Pleas, Sentencing
Division (all 3 rotate)	Friday	3:00 PM Non-Mandatory Pleas

Civil

Division 3	Wednesday	1:30 PM Trials/Hearings
------------	-----------	-------------------------

Small Claims

Division 1 & 2 rotate (2xM)	Wednesday	9:00 AM Hearings
Division 1 & 2 rotate(2xM)	Wednesday	10:00 AM Trials/Hearings

DWI Court

Division 2 (2xmonth)	Friday	9:00 AM DWI Court Staffing
Division 2 (2xmonth)	Friday	10:00 AM Review Hearings

RISE Court

Division 1 (2xM)	Friday	9:00 AM RISE Court Staffing
Division 1 (2xM)	Friday	10:00 AM Review Hearings

Mandatory Holding of Court for Departments of a District Court

✓ Pursuant to A.C.A. §16-17-138, sessions of court are held at least one (1) time per month unless mutually waived by district court judge and the governing body of the city or town where the department is located.

Is court held in each town or city designated as a department of the district court at least one (1) time per month?

- Yes *Multiple sessions are held on a daily basis.*
- No

Written agreement waiving the mandatory holding of court is not applicable.

Has the warrant docket been established within the criminal division?

- Yes
- No

5. ADMINISTRATIVE ORDER NO. 18 REFERRALS FROM CIRCUIT COURT.

State District Judges preside over certain matters on referral from the Circuit Court as described in the attached Administrative Order No. 18 Referral Form, specifically the following:

- Issue Search Warrant Pursuant to Rule 13.1
- Issue Arrest Warrant Pursuant to Rule 7.1 or A.C.A. §16-81-104
- Issue Summons Pursuant to Rule 6.1
- Reasonable Cause Determinations Pursuant to Rule 4.1
- Conduct First Appearance Pursuant to Rule 8.1
- Appoint Counsel Pursuant to Rule 8.2
- Inform Defendant Pursuant to Rule 8.3
- Accept Plea of "Not Guilty by Reason of Insanity"
- Conduct Pre-Trial Release Inquiry Rules 9.1, 9.2 and 9.3
- Conduct Preliminary Hearing Pursuant to A.C.A. §16-93-307

6. SPECIALTY COURTS.

Does a district court judge preside over a specialty court program?

- Yes
- No

Type of Specialty Court	Location
DWI COURT	
Division 2 (2xmonth) Friday	9:00 am Staffing 10:00am Review Hearings
Judge Wendy Sharum, Presiding	Fort Smith 901 S. B Street

DWI Court:

a. Type of specialty docket and description of its operation:

The Sebastian County DWI/BWI Court is a voluntary, twelve (12) to sixteen (16) month, multi-phase intervention program designed to address the needs of criminal defendants with substance use disorders who have been convicted of a DWI/BUI. DWI Court is available only to defendants meeting program eligibility requirements. The defendant must be an adult resident of Sebastian County; must not have a pending charge for a violent felony or a previous conviction for a violent felony; must not have a previous conviction that would require registration as a sex offender; must be identified as high risk/high need, as determined by a validated risk-need assessment; and must have a moderate to high substance use disorder. The program utilizes a post-conviction process and is available to defendants with misdemeanor offenses of DWI/BUI. An eligible defendant must submit a voluntary application for admission into the program. If the defendant meets eligibility criteria and agrees to comply with the terms of the program, he/she must plead guilty to the pending offense, the jail time is then suspended upon successful completion of the program and the defendant is transferred into the Sebastian County DWI Court. Plea and transfer occur with full consent of the defendant, prosecuting attorney, defense attorney, and the presiding judge. Sebastian County DWI Court conducts

court proceedings bimonthly on Friday at 10:00 a.m. at the Sebastian County Courts Building in Fort Smith, Arkansas; 901 South B Street, Fort Smith, Arkansas 72901.

b. Statutory or legal authority on which it is based:

Sebastian County DWI Court authorized pursuant to A.C.A. §16-10-139, §16-102-101 and §16-98-301, et seq. in agreement to follow the recommendations of the Specialty Court Program Advisory Committee.

c. Certification of compliance with all applicable sentencing laws:

Sebastian County DWI Court operates in compliance with all applicable sentencing laws, including fines, fees, court costs, and probation assessments. Team members have attended training programs offered by the Administrative Office of the Courts. Sebastian County DWI Court was implemented and operates in accordance with best-practice standards.

d. Use of court resources:

The Sebastian County DWI Court team includes (1) District Court Judge, (1) City Attorney, (1) Deputy Prosecuting Attorney, (1) Deputy Public Defender, (1) Court Coordinator, (1) Treatment Provider, (1) Probation Officer, (1) Law Enforcement Representative, and (1) Peer Recovery Specialist. All DWI Court team members meet bimonthly for staffing and court review hearings.

e. Sources of Funding:

Sebastian County DWI Court receives funding and support from the City of Fort Smith, Sebastian County, the Public Defender Commission, the Prosecuting Attorney's Office, the Administrative Office of the Courts, and federal and state grant opportunities as they arise and become available. There are sufficient resources for the operation of the program, as required by A.C.A §16-98-305.

ADULT DRUG COURT

Division 2 (2xmonth)	Friday	9:00 am Staffing	10:00am Review Hearings
Judge Amy Grimes, Presiding		Fort Smith	901 S. B Street

Adult Drug Court:

a. Type of specialty court and description of its operation:

The Sebastian County Circuit Court has established an adult drug court program for misdemeanor offenders, designating District Court to administer the program.

Sebastian County Adult Drug Court Misdemeanor Program is a voluntary, six month, pre-adjudication, multi-phase intervention program designed to address the needs of criminal defendants with substance use disorders. Adult Drug Court is available only to defendants meeting program eligibility requirements. The defendant must be an adult resident of Sebastian County; must not have a pending charge for violent felony or a previous conviction for a violent felony; must not have a previous conviction that would require registration as a sex offender; must be identified as low-risk/low-need, as determined by a validated risk-need assessment; and must have a low-to-moderate substance use disorder. The program utilizes a pre-adjudication process and is available to defendants with misdemeanor offenses. An eligible defendant must submit a voluntary application for admission into the program. If the defendant meets eligibility criteria and agrees to comply with the terms of the program, he/she must plead guilty to the pending offense, sentencing is then deferred, and the defendant is transferred to

the Sebastian County Adult Drug Court. Plea and transfer occur with full consent of the defendant, prosecuting attorney, defense attorney, and the presiding judge. Sebastian County Adult Drug Court conducts court proceedings bi-monthly on Friday at 10:00am at the Sebastian County Courts Building in Fort Smith, Arkansas; 901 S. B Street, AR 72901.

b. Statutory or legal authority on which it is based:
 Sebastian County Adult Drug Court is authorized pursuant to A.C.A. §16-98-301-307.

c. Certification of compliance with all applicable sentencing laws:
 Sebastian County Adult Drug Court operates in compliance with all applicable sentencing laws, including fines, fees, court costs, and probation assessments. Team members have attended training programs offered by the Administrative Office of the Courts. Sebastian County Adult Drug Court was implemented and operates in accordance with best-practice standards.

d. Use of court resources:
 The Sebastian County Adult Drug Court team includes (1) District Court Judge, (1) City Attorney, (1) Deputy Prosecuting Attorney, (1) Deputy Public Defender, (1) Court Coordinator, (1) Treatment Provider, (1) Probation Officer, (1) Law Enforcement Representative, and (1) Peer Recovery Specialist. All Adult Drug Court team members meet bi-monthly for staffing and court review hearings.

e. Sources of Funding:
 The Sebastian County Adult Drug Court receives funding and support from Sebastian County, the City of Fort Smith, the Public Defender Commission, the Prosecuting Attorney's Office, the Administrative Office of the Courts, and federal and state grant opportunities as they arise and become available. There are sufficient resources for the operation of the program, as required by A.C.A. §16-98-305.

7. OTHER PROGRAMS OR DOCKETS.

The following programs or dockets are administered:

Type of Specialty Docket		Location	
"Environmental Docket"			
Division 3 (2xmonth)	Wednesday	9:00 am Arraignments	9:30am Trial/Hearings
Judge Sam Terry, Presiding		Fort Smith	901 S. B Street

Violations of City Ordinance Docket:

a. Type of specialty docket and description of its operation:
 The only charges docketed are violations of city ordinances, property maintenance codes for residential and commercial structures/property and parking regulations within residential areas.
 Violations for city ordinances are issued a citation to appear in court (no bond required) on a specified date. These cases are then monitored and reviewed by the City's Neighborhood Services Department and the Court until compliance with the ordinance has been obtained.

- b. Statutory or legal authority on which it is based:
The municipal authority to codify and enforce these ordinances is given under Arkansas State Statutes. (A.C.A. §14-55-701)
- c. Certification of compliance with all applicable sentencing laws:
The adjudication of these ordinances is in compliance with all applicable sentencing laws, including assessment, collection and remittance of fines, fees and costs.
- d. Use of court resources:
Cases placed on this docket are handled through a collaborative effort between the court, the city prosecuting attorney and the City's Neighborhood Services Dept. Cases are set on the 2nd and 4th Wednesday of each month at 9:00 a.m. for arraignment and 9:30 am for trials or reviews to be heard. This docket is handled by the Division 3 judge.
- e. Sources of funding:
Sources of funding are not applicable. No additional funds are needed and therefore, are not requested.

Alternative Sentencing Docket:

- a. Type of specialty docket and description of its operation:
All alternative dockets are separate and apart from any specialty courts. The Court has partnered with 100 Families, the Adult Education Center, HOPE Campus, and various treatment providers to provide better support to adults coming through the court system. Individuals are encouraged to voluntarily seek treatment, gain an education and/or career skills to become more productive members of society. Defendants with certain minor charges (fail to appear, contempt- fail to pay, conduct violations, etc.) are interviewed by the Judge at arraignment as to their willingness to participate in a program and to determine the most appropriate path for each individual. If a defendant chooses to enter a program, a plea will be accepted and sentence will either be rendered with a portion of that sentence suspended upon successful completion of the program or the case will be taken under advisement so that the sentence can be determined after completion of the assigned program. Participants are periodically required to appear in court for review of their progress and status in the program in which they have enrolled. The probation officer will act as a liaison between the court, participant and community partners.
- b. Statutory or legal authority on which it is based:
A.C.A. §5-4-303, §5-4-322 (probation fees are not assessed) and § 5-4-323
- c. Certification of compliance with all applicable sentencing laws:
All applicable laws are in compliance, including fines, fees, court costs and assessments. Completion of the program results in a reduced sentence with all or a portion of the fines, community service and/or non-statutory jail time suspended.
- d. Use of court resources:
Resources for this program include a District Judge to conduct the review hearings and to award suspensions upon completion of the program as well as a deputy clerk who is responsible for the data entry of each individual as they progress through the program. The


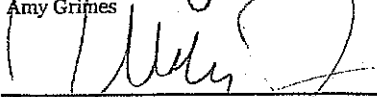
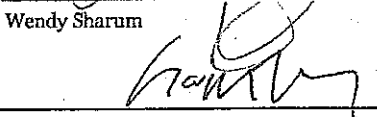
Court's probation officer acts as a liaison between the court, participant and the community partners. Other resources used are representatives from the Adult Education Center and various treatment providers. These representatives conduct interviews, provide treatment, counseling and educational services to each of the participants.

e. Sources of funding:

Sources of funding are not applicable. No additional funds are needed and therefore, not requested.

8. EFFECTIVE DATE.

This Administrative Plan is effective January 1, 2024.

Division 1 Judge		Date:	<u>6/23/23</u>
Division 2 Judge		Date:	<u>6/23/23</u>
Division 3 Judge		Date:	<u>6/23/2023</u>