

**TWENTY-FIRST JUDICIAL CIRCUIT OF ARKANSAS  
CRAWFORD COUNTY  
ALL DIVISIONS**

The following is submitted by the elected Judges of the Twenty-First Judicial Circuit as the Administrative Plan to be approved by the Arkansas Supreme Court to become effective immediately upon approval and thereafter through December 31, 2025, according to the rules of the Supreme Court unless otherwise amended. The following method of new case assignment shall be used by the Clerks of the Twenty-First Judicial Circuit:

The Twenty-First Judicial Circuit consists of Crawford County. There are three Circuit Judges serving this Circuit, Judge Marc McCune, Division One, Judge Mike Medlock, Division Two and Judge Candace Settle, Division Three.

**CASE ASSIGNMENTS AND ALLOCATION**

The following case assignments shall be effective beginning January 1, 2024.

**JUVENILE DIVISION:**

All Juvenile cases shall be assigned to Division Two. Juvenile cases may be assigned to Division Three as may be necessary for the administration of Justice and with the agreement of the presiding Judges.

**PROBATE DIVISION:**

All probate cases shall be assigned to Division Two except all civil commitments will be assigned to Division One and Adult Protective services cases shall be assigned to Division Three.

**CIVIL DIVISION:**

All new Civil Division cases filings are to be assigned as follows:

- 10 % to Division One
- 70 % to Division Two

- 20 % to Division Three

#### **CRIMINAL DIVISION:**

All new Criminal Division cases are to be assigned as follows:

- 60% of all Criminal Cases and misdemeanor appeals shall be assigned to Division One.
- 10% of all Criminal Cases and misdemeanor appeals shall be assigned to Division Two.
- 30% of all Criminal Cases and misdemeanor appeals shall be assigned to Division Three
- Division One shall conduct all first appearance and arraignment hearings unless otherwise agreed.

#### **PETITIONS TO REVOKE:**

For purposes of Judicial economy and efficiency multiple petitions to revoke filed against the same Defendant in a Criminal case will all be assigned to the Judge who heard the oldest case. In the case of a recusal and random assignment all PTR's filed against the same Defendant shall be assigned to the Judge randomly assigned.

#### **DOMESTIC RELATIONS DIVISION:**

- All Domestic Relations Division cases are to be assigned as follows:
- 75% of all new cases shall be assigned to Division Three
- 25% of all new cases shall be assigned to Division One

#### **RE-OPENINGS:**

Criminal re-openings shall be assigned to the Division in which they were originally filed except as provided in the above paragraph on Petitions to Revoke. Domestic Relations cases shall be randomly assigned unless they were originally filed in a current division. In that case they shall be filed in that division.

**RANDOM ASSIGNMENT:**

The circuit uses the Contexte system provided by the Administrative Office of the Courts for the random assignment of cases. By execution of this plan, the Judges further agree that they may agreeably exchange cases due to a conflict, disability, or when required for the administration of justice.

**JUVENILE TRANSFER HEARINGS:**

When a Petition to Transfer a criminal charge is filed under Ark. Code Ann. §9-27-318, this judicial circuit agrees to have the transfer hearing conducted in Division II (the FINS/Delinquent Division) of the Circuit Court. If Division II of the Circuit Court denies the Petition, the case shall remain in the original criminal division of the Circuit Court. If the Juvenile’s criminal charges are transferred and converted into delinquency charges under Ark. Code Ann. §9-27-318, the case will then remain in the Juvenile FINS/Delinquent Division.

**CASELOAD ESTIMATE**

Based upon the case assignments set out in this plan and the numbers provided in the 2022 Circuit Court annual report the approximate case load will be:

DIVISION I:	1120
DIVISION II:	1255
DIVISION III:	1217

The Judges believe that the assignment of certain divisions to primarily but not exclusively hear certain types of cases will promote the administration of justice and best utilize the facilities available to the Circuit. In making this assignment, the Judges have taken into consideration the experience and knowledge of the Judges as well as the case-load demand in certain types of cases.

Assignment of certain cases to the District Court Judge is not expected to alter these numbers significantly as most of the assigned matters will ultimately be disposed of by the Circuit Judge.

All the Judges may sign search warrants, arrest warrants and probable cause affidavits when necessary for the administration of justice.

## **SPECIALTY COURT PROGRAMS**

### **21<sup>ST</sup> CIRCUIT DRUG COURT**

The Division One Circuit Judge shall preside over the Drug Court.

#### **A. Type of Program and Description of Operations**

The 21<sup>st</sup> Circuit drug court program has been in operation since 1998. Court sessions are conducted in Crawford County. The program now utilizes a pre-adjudication and post-adjudication process and is open to all Defendants who have been approved by the Prosecuting Attorney, except those enumerated in Arkansas Statute §16-98-303 (c)(1).

Once approved a Defendant will plead into the Drug Court either pre or post adjudication. The Defendant will then be referred for the appropriate Drug treatment, will be randomly drug tested, and will be required to meet with the probation officer and comply with the regular terms of probation. The Defendant will also be required to attend regular sessions of court to review progress and be subject to sanctions when appropriate. Upon completion and graduation from the Drug Court program his/her case will be dismissed and/or sealed as may be appropriate.

#### **B. Statutory Authority**

The program was established pursuant to Ark. Code Ann. §16-98-301 through §16-98-307.

C. Certification of Compliance

The program conforms to all applicable sentencing laws, including fines, fees, court costs, and probation assessment.

D. Use of Court Resources

The members of the drug court program team include the Prosecuting Attorney, Public Defender, treatment professionals, DCC staff and local court staff. They have been consulted for purposes of scheduling, to ensure that the necessary resources are available and to avoid conflicts with other court programs and responsibilities in which team members may be required to participate.

E. Sources of Funding

The program receives staff and funding from the Department of Community Corrections.

## **MENTAL HEALTH COURT**

The Division Three Circuit Judge shall preside over Mental Health Court.

A. Type of Program and Description of Operations

The Crawford County Mental Health Court is a voluntary, pre-adjudication, highly intensive supervision program designed to address the needs of criminal defendants with mental illness or co-occurring disorders. Mental Health Court is available only to defendants meeting program eligibility requirements. The defendant must be an adult resident of Crawford or Sebastian County; must not have a previous conviction for a serious felony involving violence as defined in § 5-4-501(c)(2); 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; must have a mental health disorder, as determined by a licensed clinician; and must be identified as clinically appropriate for the program, as determined by a licensed therapist.

B. Statutory Authority:

Crawford County Mental Health Court was established pursuant to the Ark. Code Ann. §16-100-201 through §16-100-209 in 2022.

C. Certification of Compliance

Crawford County Mental Health 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. Crawford County Mental Health Court was implemented and operates in accordance with best-practice standards.

D. Use of Court Resources

The Crawford County Mental Health Court team includes (1) full-time Circuit Court Judge, (1) back-up Circuit Court Judge, (1) full-time Deputy Prosecuting Attorney, (1) full-time Deputy Public Defender, (1) Court Coordinator, (1) Probation Officer, (1) Law Enforcement Representative, and (3) Representatives from the community treatment provider, Western Arkansas Counseling and Guidance.

E. Sources of Funding

Crawford County Mental Health Court receives funding and support from Crawford County, the Public Defender Commission, the Crawford County Prosecuting Attorney's Office, the Department of Corrections, the Administrative Office of the Courts, and Federal Providers.

**APPOINTMENT OF CIVIL PROCESS SERVERS PURSUANT TO  
ADMINISTRATIVE ORDER NO. 20**

Any Circuit Judge in the Circuit shall be allowed to appoint Civil process servers pursuant to Administrative Order No. 20.

## STATE DISTRICT COURT JUDGES

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

Has the circuit court referred matters pursuant to Administrative Order No. 18 to be heard by a state district judge?

- Yes  
 No

### Participating State District Judges ----- Assignment and Allocation of Cases

The state district judges participating in referrals from the circuit court include:

<u>Name</u>	<u>District Court Judicial District</u>	<u>Assignment and Allocation of Cases</u>
Charles Baker	5 <sup>th</sup> District	100% Referrals

Approximately one hundred (100) cases per year may be assigned to the District Judge, consisting mostly of first appearances pursuant to Rule 8.1.

There are no current pending cases assigned to the District Court Judge.

### Matters Subject to Reference

The following matters are referred from circuit court to state district court and have been included in the administrative plan for the circuit court and the administrative plan for the district court:

**Consent Jurisdiction.** Upon the consent of all parties and approval by the circuit judge originally assigned, the following types of cases are referred from circuit court:

- Civil
- Domestic Relations
- Probate

**Protective Orders** with a contemporaneous record of the proceedings as provided by law.

**Forcible Entry and Detainers / Unlawful Detainer.**

**Other Matters of an Emergency or Uncontested Nature Pending in Civil, Domestic Relations or Probate Division.** *Please provide detailed information regarding the types of matters that will be referred and where these matters will be heard below.*

Type of Other Matters Location

Matters of an emergency or uncontested nature pending in the civil, domestic relations, or probate division of circuit court (such as ex parte emergency involuntary commitments pursuant to Ark. Code Ann. § 20-47-209 through § 20-47-210, decedent estate administration, uncontested divorces, and defaults) with a contemporaneous record of the proceedings as provided by law.

**Other Matters, if Justification for the Reference and Procedures to be Employed are Sufficiently Demonstrated in the Circuit Court Administration Plan Pursuant to Administrative Order No. 14.** *Please provide detailed information regarding the types of matters that will be referred and where these matters will be heard below.*

Type of Other Matters Location

**Criminal.** The following duties are referred with respect to an investigation or prosecution of an offense lying within the exclusive jurisdiction of the circuit court:

- 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 (e)
- 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" or "Not Guilty by Reason of Insanity"
- Conduct Pretrial Release Inquiry Rules 9.1, 9.2 and 9.3
- Conduct Preliminary Hearing Pursuant to A.C.A. §16-93-307

**Digital Audio Recording Equipment**

Is digital audio recording equipment utilized to make a verbatim record of matters referred from the circuit court?

- Yes
- No



**Circuit Court Specialty Court Dockets or Programs**

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

Yes

No

The following specialty courts are conducted:

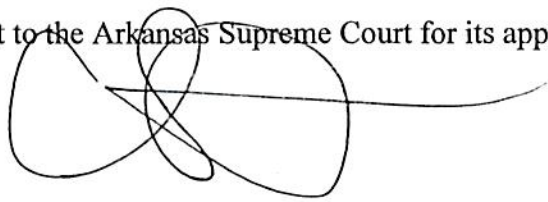
<u>Type of Specialty Court</u>	<u>Location</u>
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**Not Applicable**

- a. Type of specialty docket and description of its operation:
- b. Statutory or legal authority on which it is based:
- c. Certification of compliance with all applicable sentencing laws, including assessment, collection and remittance of fines, fees, court costs, probation fees.
- d. Use of court resources. *[Describe the court team including prosecuting attorneys, public defenders, and health professionals; that each has been consulted in setting up the program and its operation; scheduling has been coordinated; and the necessary resources are available.]*
- e. Sources of funding:

**APPROVAL**

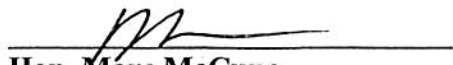
The judges of the Twenty-first Judicial Circuit hereby approve this administrative plan and submit it to the Arkansas Supreme Court for its approval this 21 day of June, 2023.



Hon. Candace Settle  
Circuit Judge Division III



Hon. Mike Medlock  
Circuit Judge Division II



Hon. Marc McCune  
Circuit Judge Division I

I, Charles Baker, State District Judge for the 5<sup>th</sup> District, hereby affix my signature to this plan for approval of those matters that involve the assignment of cases as provided by Administrative Order No. 18.



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**Hon. Charles Baker**  
**District Judge**