

**ADMINISTRATIVE PLAN  
Fort Smith District  
District Court of Sebastian County, Arkansas**

**1. JUDGES**

The Fort Smith District Court is a state district court served by 3 judges. The judge(s) serve in the statutorily designated district, departments and divisions of the court as follows:

<b>Judge</b>	<b>District/Division</b>	<b>Department</b>
Jim O'Hern	Sixth District, Division 1	Fort Smith
Samuel Terry (appointed)	Sixth District, Division 2	Fort Smith
Claire Borengasser	Sixth District, Division 3	Fort Smith

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

**Consolidation of City Courts with District Courts**

Not Applicable

<b>Town/City Abolished as Department</b>	<b>Effective Date</b>
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Not Applicable

<b>City/Town</b>	<b>Department Where Cases are Filed/Heard</b>
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Not Applicable

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

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

<b>District/Division</b>	<b>Department</b>	<b>Day</b>	<b>Time</b>	<b>Type of Case</b>
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The Sixth District, Fort Smith Department District Judges rotate court sessions and types of cases on a daily basis.

**Criminal**

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 1 (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)	Friday	9:00 AM Review Hearings
Division (all 3 rotate)	Friday	9:00 AM Prisoner Video Arraignments(as needed)
Division (all 3 rotate)	Saturday	9:00 AM Probable Cause Determination Hearings

### Traffic

Division 2	Monday	9:00 AM Arraignments, Pleas, Sentencing
Division 1	Monday	9:15 AM Prisoner Video Arraignments
Division 2	Monday	1:30 PM 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 Arraignments, 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 2 & 3 rotate	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	9:00 AM Review Hearings
Division (all 3 rotate)	Friday	3:00 PM Pleas - Citation Plea Date

### Civil

Division 1	Wednesday	9:00 AM Landlord Tenant Eviction Hearings
Division 1	Wednesday	1:30 PM Trials/Hearings

### Small Claims

Division 1	Wednesday	9:00 AM Landlord Tenant Eviction Hearings
Division 1 (2 x month)	Wednesday	9:00 AM Trials/Hearings

### Mandatory Holding of Court for Departments of a District Court

- ✓ Pursuant to A.C.A. 516-17-138, 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.

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

#### Other Matters

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. 516-81-104
- ✓ 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
- N/A 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

### **Digital Audio Recording Equipment**

Digital audio recording equipment is not utilized.

## **4. SPECIALTY COURTS.**

The following specialty court is in process and has not been fully implemented:  
(This Administrative Plan will be updated with more details as the program planning progresses.)

### **DWI Court:**

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

The Fort Smith District Court is working to establish a DWI Court. Program planning and training is scheduled to begin January 10, 2020, with the Administrative Office of the Court's, Specialty Court Coordinator. Once the DWI Team has been established, the Team will also attend the Foundational Training provided by the National Center for DWI Courts. The program will model the Ten Guiding Principles of a DWI Court and follow best practices established by the NCDC.

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

DWI Court have historically been approved by the Supreme Court pursuant to A.C.A. §16-10-139 and follow the recommendations of the Specialty Court Program Advisory Committee.

- c. Certification of compliance with all applicable sentencing laws:

The presiding judges certify compliance with all applicable sentencing laws, including assessment, collection and remittance of fines, fees, court costs, and probation fees.

- d. Use of court resources:

The DWI Court Team will consist of the 3 presiding district court judges, district court clerk as the DWI Court Coordinator, representation from both the city and county attorneys office, a public defender, a law enforcement member from either the police or sheriff's department to serve in the capacity of a probation officer and 2 health care professionals provided by Harbor House and New Vision. All of these agencies have been invited to a planning meeting so that we can establish the Team. There has been commitment demonstrated from each of these agencies and confirmation that each agency has the resources to be successful members of the Team, including the availability to travel for training and to attend the required Team meetings prior to each DWI court session.

- e. Sources of funding:

The Court has applied for a grant from the Arkansas Highway Safety Office to allow for travel accommodations to attend the Foundational Training provided by the

National Center for DWI Courts. It is also intended to apply for the Accountability Court Fund Grant through the Arkansas Specialty Court Programs to help with the expense of certificates and incentives as well as for sanctions such as electronic monitoring. It is also possible that these funds may be needed for drug testing supplies.

## **5. OTHER PROGRAMS OR DOCKETS.**

The following programs or dockets are administered:

### **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 9:15 a.m. for arraignment and 9:30 am for trial or review. This docket is handled by Division 3 Judge.

- e. Sources of funding:

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

### **Restore Hope and Recovery Program:**

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

The Court has partnered with the Adult Education Center and Harbor House to provide better support to adults coming through the court system. Individuals are encouraged to voluntarily seek treatment or gain an education/career skills to become more productive members of society. Defendants with certain charges (theft, criminal trespass, public intoxication, failure to pay fine, etc.) are interviewed and assessed by a program representative as to their willingness to participate in the program and to determine the most appropriate path for each individual. These interviews are held during each arraignment session. If a defendant chooses to enter into the program, a plea will be accepted and sentence will be rendered with a portion of that sentence suspended upon successful completion of the program. Participants are periodically required to appear in court for review of their progress and status in the program.

- 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 deputy clerk also acts as a liaison between the court and the other partners of the program. Other resources used are representatives from Harbor House, the Adult Education Center and a local church. These representatives conduct interviews, provide treatment, counseling and educational services to each of the participants in the program.

e. Sources of funding:

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

**6. EFFECTIVE DATE.**

This Administrative Plan is effective December 31, 2019.

Division 1 Judge

Jim O'Hern

Date:

12/30/19

Division 2 Judge

[Signature]

Date:

12/30/19

Division 3 Judge

Clare Donagan

Date:

12/30/19

**IN THE SIXTH JUDICIAL DISTRICT COURT OF SEBASTIAN, COUNTY  
ARKANSAS  
GREENWOOD DISTRICT**

Pursuant to the Supreme Court's Administrative Order No. 18

**DISTRICT COURT ADMINISTRATIVE PLAN**

Greenwood District, Sebastian County, Arkansas

SEBASTIAN COUNTY  
DISTRICT COURT

JAN 16 2019 9:42 AM

GREENWOOD  
DIVISION

1. JUDGE: The Sixth Judicial District Court, Greenwood District is served by one state district judge. The judge serves in the designated departments of the court as follows:

Michael Wagoner	Greenwood Department	Greenwood, Arkansas
Michael Wagoner	Barling Department	Barling, Arkansas
Michael Wagoner	Central City Department	Central City, Arkansas

2. COURT: Sessions of court are generally scheduled on:


Greenwood Department	Monday, Wednesday, Thursday
Barling Department	First and third Friday of each month
Central City Department	Fourth Tuesday of each month

3. TYPES OF CASES: The following cases are heard at these locations:

Greenwood Department	traffic offenses, criminal offenses, small claims cases, and civil cases.
Barling Department	traffic offenses and criminal offenses that occur within Barling.
Central City Department	traffic offenses and criminal offenses that occur within Central City.

4. SPECIALTY PROGRAMS: There are currently no specialty courts in the district.

Date: 1-16-2019

  
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Michael Wagoner, District Court Judge