

IN THE CIRCUIT COURT OF THE  
TWENTY-FIRST JUDICIAL DISTRICT OF ARKANSAS  
CRAWFORD COUNTY  
ALL DIVISIONS

The following is submitted by the elected judges of the Twenty-First Judicial District as the Administrative Plan to be approved by the Arkansas Supreme Court to become effective January 1, 2020. The following method of all case assignments shall be used by the clerks of the Twenty-First Judicial District.

The Twenty-First Judicial District consists of Crawford County. There will be, on and after July 1, 2019, three Circuit Judges and one District Judge serving this District. Judge Gary R. Cottrell, Circuit Judge, Division One, Judge Michael J. Medlock, Circuit Judge, Division Two. Judge Marc R. McCune, Division Three, as of July 1, 2019, by appointment of the Governor of Arkansas, and Judge Charles Baker, District Judge.

Location:

Division One-Judge Gary R.Cottrell, Crawford County Courthouse, 300 Main Street, Suite 25, Van Buren, Arkansas 72956.

Division Two-Judge Michael J. Medlock, 220 So. 4th Street, Van Buren, Arkansas 72956.

Division Three-Judge Marc R. McCune, 220 So. 4th Street, Van Buren, Arkansas 72956.

District Court-Judge Charles Baker, 1003 Broadway, Van Buren,  
Arkansas 72956.

## ASSIGNMENTS

### Juvenile Division:

All new and pending Juvenile Division cases shall be assigned to Division Two.

### Probate Division:

All new and pending Probate Division cases shall be assigned as follows:

50% to Division One

50% to Division Three

### Civil Division:

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

34% to Division One

33% to Division Two

33% to Division Three

### Criminal Division:

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

50% to Division One

50% to Division Two

Division Three shall conduct all first appearance hearings. Division One will conduct

arraignment hearings. Upon unavailability of the Judge responsible, the remaining Judges by agreement may substitute, as may the State Judicial Judge upon agreement and delegation

Domestic Relations Division:

All new and pending Domestic Relations cases shall be assigned as follows:

Division 1: 10%

Division 3: 90%

Reopenings:

All reopenings in Domestic Relations cases are to be delegated by random assignment between Divisions One and Three. All reopenings in the Juvenile Division are to be heard in Division 2. Reopenings in probate shall be delegated by random assignment between Divisions One and Three. Criminal case reopenings shall be assigned to the original division. Civil reopenings shall be delegated by random assignment between Divisions One, Two and Three.

Juvenile Transfer Hearings:

When a petition to transfer a criminal is filed under ACA Section 9-27-318, this Judicial District agrees to have the transfer hearing conducted in the Juvenile Division of the Circuit Court. If the Juvenile Division denies the petition, the case shall remain in the original, Criminal Division of the Court. If the juvenile's criminal charge is determined to be more properly heard by the Juvenile Division, the criminal charge(s) shall be

transferred into a delinquency charge under ACA Section 9-27-318, and remain with the Juvenile Division.

Drug Court:

Division One Circuit Judge shall preside over the Drug Court. The 21st District Drug Court program has been in operation since 2001. Court sessions are conducted at the Crawford County Courthouse. The program now utilizes both pre-adjudication and post adjudication sentencing, dependent upon the past criminal record of the defendant. The program is open to defendants who have committed eligible offenses and are recommended by the Office of the Prosecuting Attorney. The program is conducted in conformance with state drug court statutes and complies with applicable laws involving the assessment of fines, fees, court costs, and probation fees. The program receives staff and funding from the Department of Community Correction.

The members of the Drug Court program team include the prosecuting attorney or deputy, the public defender office, members of the public, and drug counselling and treatment professional, DCC staff and local court staff. The members are consulted for recommendations, the providing of resources, and to avoid conflicts with other court programs and responsibilities in which team members may be required to participate.

State District Court:

May enter Protective Orders pursuant to ACA Section 9-15-201-217; hear

matters of emergency or uncontested in nature pending in the Civil, Domestic Relations, or Probate Divisions of all three Divisions, such as ex-parte emergency involuntary commitments pursuant to ACA Section 20-47-209-210, decedent estate administration, uncontested divorces and defaults, shall be assigned to the State District Court Judge as may in the discretion of the Circuit Judges to promote the administration of justice and timely disposition of cases.

With the approval and assignment of the Circuit Judges, the District Judge may with respect to an investigation or prosecution of an offense lying with the exclusive jurisdiction of the Circuit Court and subject to Rules of Criminal Procedure perform the following:

- (i) Issue a search warrant pursuant to Rule 13.1
- (ii) Issue an arrest warrant pursuant to Rule 7.1 or ACA Section 16-81-104, or issue a summons pursuant to Rule 6.1.
- (iii) Make a probable cause determination pursuant to Rule 4.1(e).
- (iv) Conduct a first appearance pursuant to Rule 8.1, at which the judge may appoint counsel pursuant to Rule 8.2, inform a defendant pursuant to Rule 8.3, accept a plea of “not guilty” or “not guilty by reason of insanity”, conduct a pretrial release inquiry pursuant to Rule 8.4 and 8.5, or release or set bond for a defendant in custody pursuant to 9.1, 9.2, and 9.3.

(v) Conduct a preliminary hearing as provided in ACA Section 16-93-307. If a person is charged with the commission of an offense lying within the exclusive jurisdiction of the Circuit Court, a State District Court Judge may not accept or approve a plea of guilty or nolo contendere in the offense charged or to a lesser included felony offense, but may accept or approve a plea of guilty or nolo contendere to a misdemeanor.

Random Assignment:

The 21st Judicial District uses the context system provided by the Administrative Office of the Courts for the random assignment of cases. Based on current AOC numbers, each Circuit Judge will handle between 1323 and 1420 cases per year. By execution of this Plan, the Judges agree that they may agreeably exchange/transfer cases due to conflict, emergency, disability, or when required for the administration of justice.

Election of Special Judges:

The Judges will comply with the Administrative Orders 1 and 16 regarding the election of special judges and requests for assignment of judges by the Arkansas Supreme Court.

Recusals:

When a Judge recuses the case shall be referred to the other Divisions for disposition. If all Judges recuse from a case, the last Judge recusing shall be

responsible for contacting the Chief Justice for assignment of a special judge pursuant to Administrative Rule 16.

Case Apportionment:

Based upon the case assignments set out in this Plan and the numbers provided in the 2018 Circuit Court annual report, the approximate case load for each Judge shall be as follows:

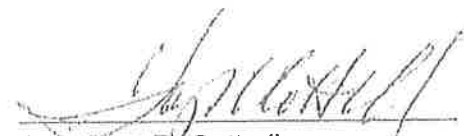
Division One: 1410

Division Two: 1360

Division Three: 1323

APPROVAL

The Judges of the Twenty-First Judicial District hereby approve this Administrative Plan and submit it to the Arkansas Supreme Court for its approval this 21<sup>st</sup> day of June, 2019.



Hon. Gary R. Cottrell  
Circuit Judge, Division I



Hon. Michael J. Medlock  
Circuit Judge, Division II

I, Marc McCune, Circuit Judge, Division III, appointed effective July 1, 2019, approve this Administrative Plan.



Hon. Marc McCune  
Circuit Judge, Division III

Dated: October 14<sup>th</sup>, 2019.

I, Charles Baker, State District Judge, hereby affix my signature to this Plan for approval of those matters that involve the assignment of cases as provided by Administrative Rule 18, and do attach the separate Plan for the State District Court.

A handwritten signature in black ink, appearing to be 'CB', written over a horizontal line.

Hon. Charles Baker  
State District Judge