

**AMENDMENT TO THE 2023 ADMINISTRATIVE PLAN OF THE
SECOND JUDICIAL CIRCUIT PURSUANT TO ADMINISTRATIVE ORDER NO. 14**

On January 1, 2023, the Honorable Keith Chrestman was appointed as Division 4 Circuit Judge, filling the vacancy left by Judge Cindy Thyer. Because Keith Chrestman vacated the position of Prosecuting Attorney for the Second Judicial Circuit, he presently has a conflict presiding over criminal cases in this District.

All Judges were present for a meeting to discuss this issue on January 16, 2023. The Judges voted eleven to one, for Division 12, Scott Ellington to trade (case assignment) dockets with Division 4, Keith Chrestman.

Therefore, the following changes to the plan submitted are the changes being that Judge Chrestman, (Division 4) will trade case assignments with Scott Ellington, (Division 12).

Additionally, Judge Mooney has added a Drug Court in Poinsett County, hereinbelow, see insert VI. Specialty Courts or Programs, subsection (6).

I. INTRODUCTION

Judge Keith Chrestman	Division 4
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Judge Scott Ellington	Division 12
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IV.CASE ASSIGNMENT AND ALLOCATION

A. DOMESTIC RELATIONS AND PROBATE DIVISIONS

Division	4	15%
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Division	12	2%
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Adult Protective Services Cases. All APS cases within Mississippi and Crittenden Counties shall be assigned to Division 4.

B. CIVIL AND CRIMINAL DIVISIONS

In the Western District of Craighead County, all criminal cases shall be assigned to judges elected in Divisions 3, 11, and 12. All other criminal cases shall be equally assigned to the judges elected to Divisions 11 and 12.

In the Chickasawba District of Mississippi County, all criminal cases shall be equally assigned to the judges elected to Divisions 5, 8, and 12.

All civil cases filed in the Osceola District of Mississippi County shall be equally assigned to judges elected to Divisions 2 and 4.

In Poinsett County, all criminal cases shall be equally assigned to judges elected to Divisions 1, 9, and 12.

C. JUVENILE DELINQUENCY, FINS, AND D-N DIVISIONS

Dependency-Neglect (D-N) Cases. The Division 4 Circuit Judge shall be assigned all the D-N cases in Crittenden and Mississippi counties.

VI. SPECIALITY COURTS OR PROGRAMS

6. Poinsett County Drug Court, Judge Charles M. Mooney, Jr. Presiding.

A. Type of Program and Description of Operations: The Poinsett County Adult Drug Court is a voluntary pre-adjudication probation/treatment program that includes a TRACK 1 program for pre-adjudication participants that enter the program without a guilty plea and a TRACK 2 program for pre-adjudication participants that enter the program after entering a plea of guilty but before a Circuit Judge enters a judgment and pronounces a sentence. The Drug Court is a highly intensive supervision/treatment program designed to address the needs of targeted offenders that have chemical addiction and/or substance abuse issues coupled with a pending felony case in Poinsett County, Arkansas. The program provides alternatives to the disposition of criminal offenders that will promote the enforcement of the criminal laws while easing the burden on the county jail, the criminal dockets and the Division of Corrections. Additionally, the program addresses the collateral damage caused by chemical addiction in the communities. Drug Court is available only to Adult offenders meeting the program eligibility requirements as required by statutory law and the rules established by the Drug Court Team. The TRACK 1 and TRACK 2 program designations are based upon a validated risks-needs assessment and the recommendations of the Drug Court Team. With the voluntary consent of the alleged offender, the prosecuting attorney, and the Circuit Judge with jurisdiction over the pending Criminal Division case, the alleged offender is assessed to determine program eligibility for the TRACK 1 program. With the voluntary consent of the alleged offender and a referral by any Circuit Judge, Deputy Prosecuting Attorney, Law Enforcement Agency, or Attorney, the alleged offender is assessed to determine program eligibility for the TRACK 2 program. However, the Drug Court Judge is not required to consider or accept into the drug court program every offender with a treatable condition or addiction, regardless of the fact that the controlling criminal offense is eligible for consideration. The offender must be accepted by the Drug Court Team. Upon successful completion of the Drug Court program the participant's pending criminal case shall be dismissed with prejudice and ordered sealed pursuant to A.C.A. § 5-4-906 and A.C.A. § 16-98-303. Further, pursuant to A.C.A. § 16-98-303 (2)(A), if the participant has pled guilty or nolo contendere to or has been found guilty of an offense falling within a target group under A.C.A. § 16-93-1202(10)(A)(i) in another Arkansas court, the Drug Court Judge may order the sealing and dismissal of an offense falling within a target group with the written

concurrence of the other Arkansas court. Participants that are unsuccessful in completing the program are transferred back to the Criminal Division docket of the Circuit Judge with jurisdiction over the pending criminal case with the prosecution to proceed in accordance with Arkansas law. All court proceedings are closed and occur on the record subject to the protection of the participant's due process rights. All Team members have continuing input in the structure and operations of the drug court program. The Drug Court Team reviews all participants with the utilization of the SCALES program and Drug Court proceedings are held at least three (3) times per month as scheduled by the Drug Court Judge in Poinsett County Courthouse or the courtroom of the Poinsett County Detention Center in Harrisburg, Arkansas.

The TRACK 1 program and the TRACK 2 program are separate programs within the Poinsett County Adult Drug Court:

TRACK 1: The program is designed to target offenders with lower risks of re-offending and a lower need for services using evidence-based practices to reduce recidivism. The length of the program is six (6) months, but it can be extended based on the changing risks and needs of the participant.

TRACK 2: The program is designed to target offenders with a moderate to high risks of re-offending and a higher need for services using evidence-based practices to reduce recidivism. The length of the program is a minimum of twelve (12) months and a maximum of sixteen (16) months, but it can be extended based on the changing risks and needs of the participant.

B. Statutory Authority: The Poinsett County Drug Court is authorized pursuant to A.C.A. § 5-4-903(a) and A.C.A. § 16-98-303 as approved by the Arkansas Supreme Court pursuant to A.C.A. § 16-10-139.

C. Certificate of Compliance: The Poinsett County 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. The Drug Court was implemented and operates in accordance with the Benchmarks and Certification Criteria guidelines published by the Specialty Court Program Advisory Committee.

D. Use of Court Resources: The Poinsett County Drug Court Team includes: The presiding Circuit Drug Court Judge, deputy prosecuting attorney, managing public defender, substance abuse counselor, ACC probation officer, ACC advisor, ACC administrator, a law enforcement officer and any other stakeholder and/or providers as determined to be necessary by the Drug Court Judge. The Team regularly meets for staffing and to review all participants in the program as well as attend all scheduled court appearances.

E. Sources of Funding: The Poinsett County Drug Court receives funding and support from Governor's "rainy day funds" Poinsett County (use of courtroom facilities), Poinsett County Sheriffs Department, (Court Security), the Public Defender Commission (public defender), the Poinsett County Prosecuting Attorney's office (deputy prosecutor), Arkansas Community Corrections, the Administrative Office of the Courts, and federal and state grant opportunities as

same may arise and as they become available by community stakeholders. There are sufficient resources for operation of the program, as required by A.C.A. § 5-4-911 and A.C.A. § 16-98-305.