ADMINISTRATIVE PLAN
FOR THE
ELEVENTH-EAST (11-E) JUDICIAL DISTRICT

Note: The Administrative Plan dated June 28, 2013, submitted by the Eleventh-East Judicial District has not changed in any respect and so it is restated verbatim in its entirety below.

Pursuant to Administrative Order Number 14, the following administrative plan for the Eleventh-East (11-E) Judicial District is submitted to the Arkansas Supreme Court:

Introduction and Background

The 11-E Judicial District consists of Arkansas County. Arkansas County is divided into two separate districts – the Northern District, with the county seat at Stuttgart, and the Southern District, with the county seat in DeWitt. The two districts are treated as separate counties for judicial purposes. The 11-E is a one-judge judicial district in which the judge hears all cases.

Prior to the recent amendments to Administrative Order Number 14, the 11-E was not required to file an administrative plan because it has only one circuit judge who hears all cases; and, by default, the judge is the administrative judge of the judicial district.

On December 13, 2012, the Arkansas Supreme Court amended Administrative Order Number 14 to address the "specialty courts" operated by circuit and districts courts, and the role of state district courts *vis-a-vis* circuit courts.

Specialty Courts

Subsection 2(d) of Administrative Order Number 14, requires that the 11-E Judicial District submit an administrative plan to address its specialty court programs.

Since 2004, the 11-E Judicial District has operated a drug court under the authority of the Arkansas Drug Court Act (Ark. Code Ann. § 16-98-301, *et. seq.*). The following is a general summary of the drug court and how it is conducted:

1. *Participants*. Drug court participants are generally defendants who have been charged with drug possession crimes or crimes related to the need to obtain funds for drugs, such as theft, forgery, etc. The program is directed toward persons who are addicted to the use of drugs. Defendants who have a record of violent crimes or the sale of drugs are generally not eligible for the drug court program.

2. *Selection*. Prospective participants are recommended for drug court by the prosecuting attorney in consultation with the defendant's attorney. Once selected, the prospective participant is referred to the local officials of the Department of Community Correction for evaluation to determine his or her eligibility and suitability for the program. If the prospective participant is determined to be eligible and suitable for entry into the program, a recommendation is made to the court. The ultimate decision on whether to accept a prospective participant rests with the court.

3. *Transfer to Drug Court*. This is a post-adjudication drug court. To be admitted into drug court, a defendant must enter a voluntary plea of guilty to the underlying charge (or a reduced charge as determined by plea negotiations between the prosecuting attorney and defense counsel). Upon entry of the guilty plea, the defendant's case is then transferred to drug court for further proceedings. The drug court's policies and procedures are set out in a booklet which is given to each participant prior to admission into the program.

4. *Operation*. The drug court is conducted in three 12-week phases. The program includes intensive counseling, education, and periodic drug testing which is conducted by Department of Community Correction personnel. In addition, a court appearance is required once per week which includes a staffing with the court and DCC personnel and then an appearance before the court. Upon successful completion of the program, the participant graduates and his or her case is then nol-prossed by state and the record is sealed. An after-care program is available if deemed necessary.

5. *Expulsion*. Four strikes are allowed for violations of drug court rules. Each strike invokes a gradually increasing penalty. If a participant receives a fifth strike, he or she is expelled from the program. The case is then transferred back to the regular criminal docket and the participant is sentenced based on his or her previous guilty plea. The available sentencing options include all those penalties to which the participant could have been sentenced had he or she entered an "open" plea of guilty with no sentence recommendation from the state.

6. *Court Resources*. The prosecuting attorney is actively involved in the drug court program, as is the public defender (or the participant's private attorney) as necessary. Participants also include treatment professionals, DCC staff, and the court staff.

7. *Funding*. The program is funded through state drug court appropriations and fees which the participants are required to pay. The Arkansas County Quorum Court's budget includes a small appropriation to fund the cost of certificates and graduation ceremonies when a participant successfully completes the program.

8. *Certification*. The drug court program complies with all applicable sentencing laws.

The 11-E has no other specialty courts.

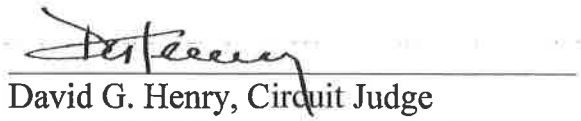
District Courts

The 11-E does not presently have a state district court. There are two local district courts: the District Court for the Northern District of Arkansas County sitting at Stuttgart, Honorable Jeremy Bueker, District Judge; and the District Court for the Southern District of Arkansas County sitting primarily at DeWitt, Honorable B. Park Eldridge, Jr., District Judge.

Judge Eldridge's Administrative Plan for the District Court for the Southern District is attached.

Judge Bueker has advised this court that the District Court for the Northern District of Arkansas County does not operate any specialty courts and therefore no plan is required.

This Administrative Plan is adopted and respectfully submitted to the Arkansas Supreme Court on this 22nd day of June, 2015.



David G. Henry, Circuit Judge
11-East Judicial District