

1 JON R. SMITH
2 YUMA COUNTY ATTORNEY

3 William P. Katz Arizona State Bar No. 026286
4 DEPUTY COUNTY ATTORNEY
250 W. SECOND STREET, STE. G, YUMA, AZ 85364
(928) 817-4300

FILED

2009 JUL -2 PM 3:37

YUMA JUSTICE COURT
FIRST PRECINCT

5
6 IN THE JUSTICE COURT -FIRST PRECINCT
7 IN AND FOR THE COUNTY OF YUMA, STATE OF ARIZONA

8 STATE OF ARIZONA,

9 Plaintiff,

10 vs.

11 STEVEN LEE ANDERSON,

12 Defendant.

No. J1401MS200900179
No. J1403MS200900009

STATE'S OBJECTION TO THE CHANGE
OF JUDGE ORDERED JUNE 25, 2009

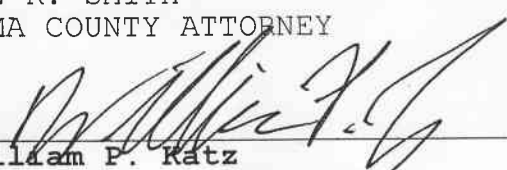
13
14 The State of Arizona, through the Office of the Yuma
15 County Attorney, by the undersigned deputy, hereby objects to the
16 change of judge ordered by the Hon. Judge Romine on June 25,
17 2009. The State respectfully requests that this matter be
18 returned to the Hon. Judge Romine to be tried in the Third
19 Precinct Justice Court in Yuma County. In the alternative to
20 returning this case to Judge Romine, the State requests a change
21 of judge pursuant to Rule 10.2.

22 The judge of record currently is the Honorable David Cooper,
23 and the State respectfully requests a change of judge. The
24 Honorable David Cooper became the judge of record on June 30,
25 2009. This request is made in good faith and is not for any of
26 the following reasons: for the purpose of delay; to obtain a
27 severance; to interfere with reasonable case management practices
28

1 of a judge; to remove a judge for reasons of race, gender or
2 religious affiliation; for the purpose of using the rule against
3 a particular judge in a blanket fashion by a prosecuting agency,
4 defender group or law firm; to obtain a more convenient
5 geographical location; nor to obtain advantage or avoid
6 disadvantage in connection with a plea bargain or at sentencing,
7 except as permitted under Rule 17.4(g).

8 RESPECTFULLY SUBMITTED this **2nd** day of **JULY, 2009**.

9
10 JON R. SMITH
YUMA COUNTY ATTORNEY

11
12 
13 William P. Katz
14 DEPUTY COUNTY ATTORNEY
15
16
17
18
19
20
21
22
23
24
25
26
27
28

MEMORANDUM OF POINTS AND AUTHORITIES

The State objects on the grounds that Rule 10.5 does not afford a procedural basis upon which to change a judge after a criminal action has commenced and been contested for approximately two months. Rule 10.5 deals with the method by which a case is transferred to a new judge. Rule 10.5 is a procedural rule that outlines the steps to be followed in

1 designating a new judge, as well as how the case file and record
2 are to be transmitted to the new judge. Rule 10.5 does not
3 create a substantive or procedural right of recusal. Rule 10.5
4 does not authorize a judge's recusal given the procedural posture
5 of this case.
6

7 RESPECTFULLY SUBMITTED this **2nd** day of **July, 2009**.

8 JON R. SMITH
9 YUMA COUNTY ATTORNEY

10
11 
12 WILLIAM F. KATZ
13 DEPUTY COUNTY ATTORNEY
14 

14 ORIGINAL FILED AND COPY
15 FILED/DELIVERED/FAXED July 2nd, 2009 TO:

16 JUSTICE COURT FIRST PRECINCT &
17 Justice Court Third Precinct &
18 M. Victor.

19 BY: KW
20
21
22
23
24
25
26
27
28