

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2020-101218-001 DT

08/10/2021

HONORABLE HOWARD D. SUKENIC

CLERK OF THE COURT  
A. Gonzalez  
Deputy

STATE OF ARIZONA

TAMARA BARNETT

v.

ANABEL ORDONEZ VELEZ (001)

JESS A LORONA

JUDGE RYAN-TOUHILL  
JUDGE SUKENIC

RANDALL S UDELMAN

RULING

The Court has reviewed the State's Request for Sentencing Hearing Before Case Management Judge and Supporting Memorandum of Law (7/30/21). No response was received from Defendant. The Court first focuses on Rule 17.1(a)(2) Ariz. R. Crim. P. as cited by the State in support of their Motion. There, the Court quotes the rule as follows, "If settlement discussions do not result in an agreement, the case must be returned to the trial judge." Here, a settlement "agreement" was reached. The rule is silent thereafter. There is no prohibition by rule to support the State's claim that the settlement judge must relinquish the case thereafter for sentencing unless both parties agree. The Court next turns to *State v. Mendoza*, 248 Ariz. 6 (2019) also cited by the State. There, the trial judge participated in settlement negotiations without the parties' consent. That is certainly not what happened here. The parties consented to the settlement conference before the Court. The Court is also not the trial court and there was no trial. Despite the obvious factual distinction, the State picked and chose what fit their narrative to the exclusion of accurate facts. The Court finds this unsettling and a continuation of the ethical slippery slope on the part of the State in this particular case. Finally, grasping, the State cites dicta from another Superior Court Judge as persuasive authority in support of their position. The dicta holds no authority although, the Court does note that this is the only possible ledge the State could grasp. Narrow as the ledge is.

On all reasons cited by the State, the Court finds none hold merit. That said, the Court now has such a negative opinion of State's conduct in this case that there is a basis for the Court to

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recuse itself from further participation in this matter. To be blunt, the Court has no trust in the State. The Court recuses and the matter is sent back to the case management judge for sentencing. The sentencing of August 30, 2021 is vacated before this division.

IT IS ORDERED, counsel for both the State and Defendant shall coordinate and then contact the case management judge to re-set the matter for sentencing.

IT IS ORDERED transferring this matter to Honorable Jennifer Ryan-Touhill for all further proceedings.