<u>COURT CERTIFICATION AFFIDAVIT</u>

Court Location: Manila, Utah

Judge: Jeri L Allphin

Address: 95 North 1st West, Manila, Utah

Telephone: 435-784-3216

Level of Court (Circle one): I II <u>III</u> IV

Average Case Filings Per Month: 82

Daily Court Hours: 3

Number of Full-time Clerks: 1
Hours Worked Per Week Per Clerk: 35-40

Number of Part-time Clerks: 1
Hours Worked Per Week Per Clerk: 10

This form is divided into two parts. Section I contains those requirements that are statutory and cannot be waived. Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived pursuant to the procedure set forth in the Instructions to Applicant included with this Application for Recertification.

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Comes now Judge , Jeri L Allphin Justice Court Judge for Daggett County Justic Court, and,

except as specifically noted below, certifies as follows:

<u>SECTION I</u>

THE FOLLOWING ITEMS ARE STATUTORY AND <u>CANNOT BE WAIVED</u>. CERTIFICATION WILL NOT BE GRANTED UNLESS EACH REQUIREMENT IS MET.

Please indicate **<u>Yes or No</u>** to each of the following:

1. All official court business is conducted in a public facility. Yes

2. Court is open daily. Yes

3. The hours of court operation are posted conspicuously. Yes

4. The judge and the clerk attend court at regularly scheduled times based on the level of the court. Yes

5. The judge is compensated at a fixed rate, within the statutory range. Yes

6. The responsible governmental entity provides and compensates sufficient clerical personnel necessary to conduct the business of the court. Yes

7. The responsible governmental entity assumes the expenses of the travel of the judge for purposes of required judicial education. Yes

8. The responsible governmental entity assumes the expenses of the travel of each clerk for the purposes of attending training sessions conducted by the Judicial Council. Yes

9. The responsible governmental entity provides the Court with:

a. Sufficient prosecutorial support Yes

b. Funding for attorneys for indigent defendants, as appropriate Yes

c. Sufficient local law enforcement officers to attend court as provided by statute

Yes

d. Security for the court as provided by statute Yes

e. Witness and juror fees Yes

f. Appropriate copies of the Utah Code, the Justice Court Manual, state laws affecting local governments, local ordinances and other necessary legal reference materials Yes

10. Fines, surcharges and assessments which are payable to the state are forwarded as required by law. Yes

11. Court is held within the jurisdiction of the court, except as provided by law (78A-7-212). Yes

12. All required reports and audits are filed as required by law or Rule of the Judicial Council. Yes

13. A record of all court proceedings is maintained by an appropriate audio recording system. Yes

SECTION II

Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived or an extension granted pursuant to the procedure set forth in the Instructions to Applicant included with this Application for Recertification.

Please indicate **YES or NO** to each of the following:

1. Court is open each day as appropriate for the classification of the court. Yes

2. The judge is available to attend court and to conduct court business as needed. Yes

3. Minimum furnishings in the courtroom include:

   a. Desk and chair for the judge Yes

   b. A six-inch riser Yes

   c. Desk and chair for the court clerk Yes

   d. Chairs for witnesses Yes

   e. Separate tables and appropriate chairs for plaintiffs and defendants Yes

   f. A Utah State flag Yes

   g. A United States flag Yes

   h. A separate area and chairs for at least four jurors Yes

   i. A separate area with appropriate seating for the public Yes

   j. An appropriate room for jury deliberations Yes

   k. An appropriate area or room for victims and witnesses which is separate from the public Yes

   l. A judicial robe Yes

   m. A gavel Yes

   n. Current fine schedules Yes

   o. A copy of the Code of Judicial Administration Yes

   p. Necessary forms and supplies Yes

q. Office space for the judge Yes

r. Office space for the court clerk Yes

s. Secure filing cabinets Yes

t. Appropriate office supplies Yes

u. A cash register or secured cash box Yes

v. At least one computer with internet access Yes

w. Access to a copy machine Yes

4. The appropriate number of clerks as required by the classification of the court are present during the time the court is open each day and as needed during court sessions. Yes

5. Does the applicant have a law enforcement department? Yes

6. If the applicant does not have a law enforcement department, identify the law enforcement agency which will provide law enforcement services for the applicant:

7. A security has been submitted consistent with C.J.A. Rule 3-414. Yes

8. The court electronically reports to the Driver License Division, the Bureau of Criminal Identification and the Administrative Office of the Courts as required. Yes

11. If the court is a **Class III** court:

a. Trial calendar is set at least every other week: No

b. Court is opened (check one):

X 61-150 average monthly filings: at least 2 hours/day
_151-200 average monthly filings: at least 3 hours/day

13. **If you have responded with a "no" to any item in Section II above, you must request a waiver or extension below and justify that request.** If waiver or extension of any requirement is requested, please specify each requirement and indicate factors which demonstrate a need for the waiver or extension. For any requested extension, please include the requested extension period. (To receive a waiver or extension of any requirement, the information requested in this section must be provided. Remember that statutory requirements cannot be waived or extended).

I am familiar with the minimum operational standards for this court, and except as noted above, those standards are currently met or exceeded. During the current term of the court, I have met with the appropriate governing body of the city to review the budget of the court, review compliance with the minimum requirements and operational standards, and discuss other items of common concern.

DATED this 14th day of November, 2022.

Jeri L Allphin
Justice Court Judge

I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

Executed on this 14th day of November, 2022.

Request for Waiver of Trial Calendar Requirement

The Daggett County Justice Court respectfully asks that the requirement of the trial calendar being scheduled every other week be waived for the following reasons:

1. For the past twelve months, 85% of our filed cases were traffic citations. Of those, only 8% requested a trial. The remaining cases consisted of 6 DUIs, 97 misdemeanors and 45 infractions. The majority of the cases were handled summarily with few requesting bench trials.
2. The citations issued vary with the seasons, with the majority being issued between May and October, when the tourists visit the county.
3. Until March 2022, Court had been scheduled once per month for many years, with additional calendar days scheduled as needed during the tourist season. Generally, once the calendar exceeded 10-12 cases, a new court date was scheduled.
4. In March 2022, the court was moved to Webex. Because Webex is more efficient, there have been very few additional court days scheduled. The average docket consisted of 20-30 cases, with approximately half being pre-trial conferences. These cases were disposed of in about two hours, making additional court dates unnecessary.
5. Currently, two days per month are calendared, with one being for arraignments and pre-trial conferences and the second being for bench trials. These days are generally scheduled back to back, during the second week of every month.
6. This schedule is for the convenience of the prosecutor, who does not live in Daggett county but travels to the county one week per month for in-person appearances with the commissioners and court. Though he can and does appear through Webex when needed, he and the court prefers his in-person appearance, when possible. The current schedule caters to his schedule and has worked well

for all parties.

7. In summary, the current court schedule has worked very well. Two calendar days per month are scheduled, but not every two weeks, as required. For the reasons listed above, we would ask that the every other week requirement be waived.

Dated this 18th day of November, 2022

Signed: Jeri L Allphin
Justice Court Judge

C H E C K L I S T

Please be sure that your application for recertification includes each of the following:

1. Court Certification Affidavit completed and signed by the judge. X

2. A copy of a written opinion from the city or county attorney (as appropriate), directed to the appropriate sponsoring governmental entity, advising that entity of all requirements for the operation of the justice court and the feasibility of maintaining the court.

3. A copy of a duly passed resolution of the sponsoring governmental entity that a.

   requests recertification of the court, and

   b. affirms that the entity is willing to meet all requirements for the operation of the court during the period of certification.

4. A copy of your court security plan, as required by C.J.A. Rule 3-414, unless it has not changed since it was last submitted. The court security plan has not changed.

ALL FOUR OF THESE DOCUMENTS MUST BE RECEIVED BY THE BOARD OF JUSTICE COURT JUDGES AT THE ADDRESS BELOW BY: DECEMBER 2, 2022.

Board of Justice Court Judges
Attention: James M. Peters
Administrative Office of the Courts
P. O. Box 140241
Salt Lake City, Utah 84114-0241