

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

IN THE MATTER OF:)	ADMINISTRATIVE ORDER
State of Arizona)	
)	NO. 2001 - 004
vs)	
)	
Cynthia Denny)	
)	
_____)	

In the matter of Maricopa County Case Number CR 103871, State vs. Cynthia Denny, a Change of Venue from Yavapai County to Maricopa County was ordered on September 27, 1978. On October 6, 1978, Cynthia Denny was sentenced and given four year's probation. An exhibit worksheet was created during the change of plea and sentencing proceedings, and was filed on October 6, 1978. The worksheet listed two exhibits. A rifle, which is the topic of this Administrative Order, was not transferred from Yavapai County or entered into evidence in Maricopa County in relation to this case. Said rifle was never considered by the Superior Court in Maricopa County during the time Maricopa County had jurisdiction of this case.

The exhibits that were marked in Maricopa County were released on December 8, 1983 pursuant to the following:

- Rules 28.1 and 28.2, Arizona Rules of Criminal Procedure;
- Local Rules of Procedure for Maricopa County, Rule 2.8(d);
- Attorney General Office Memo dated March 18, 1987, regarding Retention and Destruction of Records and Evidence;
- Superior Court Criminal Presiding Judge Memo dated March 30, 1987, regarding Procedures for Retention and Destruction of Evidence;
- and Clerk's Office Policies and Procedures.

The case was temporarily ordered back to Yavapai County on January 2, 1979 after a Motion for Change of Venue for Consideration of Fee and Expense Request Only was filed. The case was transferred back to Maricopa County on February 8, 1979. The conclusion of State vs. Cynthia Denny was an Order of Discharge from Probation that was filed on October 2, 1980 in Maricopa County.

Although Maricopa County did have jurisdiction over this case at its conclusion, it had no jurisdiction over the rifle that was seized at the initiation of this matter and is currently being held in the Yavapai County Clerk's Office.

Therefore, this court has no grounds to request retention of the rifle that remains housed in Yavapai County and has no objection to its release.

Accordingly, IT IS ORDERED that the Yavapai County Clerk's Office may return the rifle they are holding in this case to the seizing agency in accordance with Rule 28, Arizona Rules of Criminal Procedure.

Dated this 3rd day of January, 2001

Colin F. Campbell
Presiding Judge

Original: Clerk of the Superior Court

Copies: Judge Thomas W. O'Toole
Clerk of Superior Court of Yavapai County