

**IN THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO
ADMINISTRATIVE ORDER B01-BEN.1**

Effective Date: April 10, 2001

**ORDER ESTABLISHING THE BENEWAH COUNTY DRUG COURT
AND APPOINTING A PRESIDING JUDGE**

WHEREAS the growing caseload in First Judicial District respecting prosecutions for violations of the controlled substances act has inordinately burdened court resources and personnel, and

WHEREAS there are supportable arguments that the diversion of certain cases from the traditional prosecutorial process, emphasizing treatment, rehabilitation and personal accountability may better serve the needs of society, the individual defendants involved, and the orderly administration of justice, and

WHEREAS the State of Idaho is encouraging the use of such diversion programs, now, therefore,

IT IS HEREBY ORDERED that, effective the date of this order, there shall be established with the District Court of the First Judicial District in Benewah County, the Benewah County Drug Court. Such Court shall exercise jurisdiction, management and disposition of such drug prosecutions or prosecutions where drugs are a significant factor brought within Benewah County that may be selected for disposition by such Drug Court by the agreement of the Presiding Judge of the Drug Court, upon the recommendation of the Benewah County Prosecuting Attorney and the defendant's counsel, with

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the consent of the defendant. Such cases shall be selected and managed as directed by the presiding judge of the Benewah County Drug Court.

IT IS FURTHER ORDERED that the Honorable Patrick R. McFadden, Magistrate Judge, is appointed as the Presiding Judge of the Benewah County Drug Court. Cases that are referred to the Benewah County Drug Court shall be assigned to him. The Administrative Judge shall appoint alternative or additional presiding judges in the absence of Judge McFadden as may be required.

ENTERED this 10th day of April, 2001

/s/ James F. Judd

James F. Judd
Administrative District Judge