

FILED

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF APACHE

HON. MICHAEL LATHAM, PRESIDING JUDGE

DOCKETED BY: \_\_\_\_\_  
2021 MAR 31 AM 8:04  
DANIEL HOUNSHELL, CLERK  
APACHE CO SUPERIOR COURT

<p><b>In re the matter of:</b></p>  <p><b>ARIZONA SUPERIOR COURT IN APACHE COUNTY COVID-19 MITIGATION MEASURES</b></p>	<p><b>ADMINISTRATIVE ORDER</b></p>  <p><b><u>NO. 2021-002</u></b></p>
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### PREAMBLE

Pursuant to the Arizona Supreme Court’s Administrative Order No. 2020-197, issued December 3, 2020 (“AO 197”), presiding superior court judges are authorized to determine “for the courts in their respective counties how in-person court proceedings and courthouse activities are to be phased-in and conducted . . . in a manner that protects the health and safety of all participants.” In Apache County, although limited in-person courthouse access has remained in place, all court operations have resumed – except jury trials. AO 197 states:

“The presiding superior court judge in each county should determine when jury trials can safely begin, taking into consideration the physical space of individual courthouses and court rooms and the public threat in the county. Judicial leadership shall employ appropriate social distancing and other measures necessary for the protection of jurors and the general public. . . .”

The Superior Court in Apache County has one courtroom with sufficient space to allow for proper social distancing. That courtroom can accommodate approximately 25 prospective jurors while socially distanced. There is an additional courtroom with no jury box, and another courtroom with a jury box that is used by the St. Johns Justice Court and St. Johns Municipal Court. The Superior Court in Apache County has one full-time superior court judge, one full-time superior court pro-tem judge, and one part-time superior court pro-tem judge. The Superior Court in Apache County typically conducts 3 to 4 felony criminal trials per year. At the time this Administrative Order was issued, there are between 55 to 60 felony cases on the felony trial list.

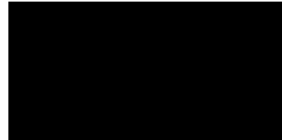
Pursuant to AO 197, subsection III, and Rule 8.4(4) 7of the Arizona Rules of Criminal Procedure, presiding judges in each county were granted authority to exclude additional time pursuant to Rule 8 due to “trial calendar congestion” resulting from the “extraordinary circumstances caused by the COVID-19 public health emergency.”

Court leadership in Apache County has met regularly with stakeholders throughout the county to implement a plan to quickly address the significant backlog in jury trial cases caused by the COVID-19 public health emergency. At this time, however, a lack of judicial resources, courthouse space, and backlog of cases requires continued time exclusion.

## **ADMINISTRATIVE ORDER**

Therefore, it is hereby ordered that due to the extraordinary circumstances caused by the public health emergency, the unique issues related to Apache County noted above, and the authority granted to the presiding superior court judge pursuant to Arizona Supreme Court Administrative Order No. 2020-197, subsection III, the period of March 18, 2020 through October 31, 2021 is excluded from calculation of time under rule provisions and statutory procedures that require court proceedings to be held within a specific period of time, including Rule 8, Rules of Criminal Procedure; Rules 17, 25, 79 and 100 Rules of Procedure for the Juvenile Court; Rule 38.1(d)(2), Rule of Civil Procedure.

**Dated this 30th day of March, 2021.**



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**Hon. Michael Latham**  
**Presiding Judge**  
**Superior Court, Apache County**

Original: Filed with Annell Hounshell, Clerk of Court  
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