

IN THE MUNICIPAL COURT
FOR THE CITY OF SURPRISE, ARIZONA

In the Matter of:

LIMITING COURT OPERATIONS
DURING A PUBLIC HEALTH
EMERGENCY

ADMINISTRATIVE ORDER
NO. 20-05
(Replacing Administrative
Order NO. 20-03)

Due to concern for the spread of COVID-19 in the general population, the Governor of the State of Arizona has declared a statewide emergency pursuant to A.R.S. § 26-303 and in accordance with A.R.S. § 26-301(15). Additionally, the Arizona Supreme Court has issued Administrative Order No. 2020-70 (Replacing Administrative Order No. 2020-60) authorizing limitations of court operations during a public health emergency. On March 19, 2020 this Court's Administrative Order No. 20-03 directed that court business be conducted in a manner that reduces the risk associated with this public health emergency. This order revises, clarifies, and adds to that direction.

IT IS ORDERED that Administrative Order 20-03 is replaced by this Order.

This Court remains open to serve the public. Nevertheless, given the current emergency, and in the interest of public safety, certain limitations and changes in court practices are necessary. Therefore, to avoid all in-person proceedings in the Surprise City Court to the greatest extent possible consistent with core constitutional rights, and pursuant to Arizona Supreme Court Administrative Order No. 2020-70,

IT IS FURTHER ORDERED as follows:

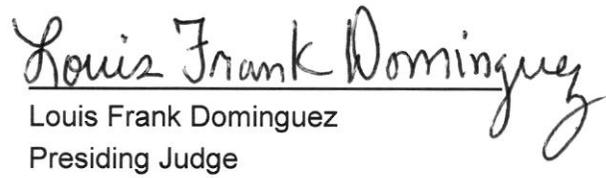
- (a) No jury trials will be scheduled before June 1, 2020.
- (b) Beginning April 27, 2020, any case continued from arraignment will not be scheduled prior to June 2, 2020.
- (c) All post arraignment non-trial settings for out of custody defendants currently scheduled for May 11, 2020 through June 1, 2020 are continued to a date not earlier than June 2, 2020.
- (d) All non-jury trials for out of custody defendants currently scheduled for May 11, 2020 through June 1, 2020 are vacated and will be reset for a status conference

after June 1, 2020.

- (e) The appearance date for all civil traffic complaints will be scheduled 60 days from the date of violation.
- (f) All civil traffic and civil municipal code hearings currently scheduled for May 11, 2020 through June 1, 2020 are continued to a date not earlier than June 2, 2020.
- (g) For all criminal cases subject to this Order, finding good cause and that delay is indispensable to the interests of justice, time is excluded or tolled for the purpose of calculating time under Rules 8 and 27, *Rules of Criminal Procedure*.
- (h) All Protective Order proceedings will continue with the direction that telephonic or video appearances are to be utilized where feasible until further notice.
- (i) All non-essential functions currently scheduled to be conducted in the Court are cancelled until further notice, including field trips, tours, City Court Academy and Teen Court.
- (j) All proceedings occurring within the Court are to be conducted in a manner consistent with Center for Disease Control and Prevention (CDC) social distancing recommendations until further notice.
- (k) In-person contact will be limited as much as possible by using available technologies, including alternative means of filing, teleconferencing, video conferencing, and use of email and text messages and issuing orders to reasonably ensure the health and safety of all participants.
- (l) CDC social distancing recommendations will be followed. All persons with scheduled appearances or non-scheduled appearances are required to notify the Court of any COVID-19 symptoms or suspected exposure and shall refrain from entering the courthouse.
- (m) In-person proceedings will be limited to attorneys, parties, victims, witnesses, jurors, court personnel, and other necessary persons, where necessary to maintain the recommended social distancing within a court facility. Trial judges are authorized to make reasonable orders to ensure the health and safety of hearing participants consistent with the parties' right to due process.

IT IS FURTHER ENCOURAGED that all parties continue to work towards the resolution and settlement of the cases subject to this Order.

DATED this 27th day of April 2020.


Louis Frank Dominguez
Presiding Judge

cc: *Presiding Judge*
Associate Judge
Pro Tem Judges
Court Administrator
Court Supervisors
City Prosecutor's Office
Public Defenders
Mayor & City Council
City Manager's Office
City Attorney
Chief of Police
City Emergency Manager