

ARIZONA SUPERIOR COURT

AT: _____

GILA COUNTY

2020 APR -1 AM 8:32

ANITA ESCOBEDO, CLERK

In the Matter of:)
)
Addressing COVID-19)
)
_____)

BY  DEPUTY
Administrative Order 2020-03

Addressing Appearances and Scheduling

Whereas, on March 16 and March 18, 2020, the Arizona Supreme Court issued Administrative Orders 2020-47 and 2020-48 in response to COVID-19; and

Whereas, on March 19, 2020 this Court issued Administrative Order 2020-02; and

Whereas, the purpose of this Administrative Order is to provide guidance to Superior Court Judges having criminal and juvenile delinquency calendars in the areas of (1) the type of appearances that should be made by Counsel, Victims, Defendants, Probation Officers, and the public/media; and (2) the scheduling of criminal hearings,

Therefore, the Court makes the following Orders,

APPEARANCES

Section 1. Out of custody Defendant appearances:

PreTrial Conferences, Case Management Conferences, Trial Setting Conferences, Modification of release conditions, PTR Status Hearings, and comparable hearings - Unless otherwise requested, and for good cause, Defendants shall appear telephonically.

PTR Admissions, Substantive Motions Hearings, and Changes of Plea – Defense Counsel shall meet with their clients ahead of time, get plea agreements signed and/or discuss/confirm specific admissions related to PTRs. Defense Counsel shall bring original plea agreements to Court and Defendants shall appear telephonically.

Arraignments, Sentencing, and Disposition – Defendants shall appear personally for all Arraignments, Sentencing, and Dispositions.

Section 2. In custody Defendant appearances:

PreTrial Conferences, Case Management Conferences, Trial Setting Conferences, Arraignments, Modification of release conditions, PTR Status Hearings, and comparable hearings - Unless otherwise requested, and for good cause, defendants shall appear via video from the jail.

PTR Admissions and Changes of Plea – Defense Counsel shall meet with their clients prior to hearings, get plea agreements signed and/or discuss and confirm specific admissions, and bring original plea agreements to court. Defendants shall appear via video.

Sentencing, Disposition, and Substantive Motion Hearings – Defendants shall appear personally for all Sentencing and Dispositions. If a Defendant knowingly, intelligently, and voluntarily consents to Sentencing/Disposition via video, the Court may Sentence/Disposition a Defendant via video.

Any hearings other than Sentencing or Disposition where the Defendant will need to be present personally, such personal appearances shall be explicitly noted on the calendar.

Section 3. Attorney appearances:

Although attorneys will generally be expected to appear in person, liberal consideration of telephonic appearances shall be made by Judges on a case by case and/or calendar by calendar basis.

Section 4. Victim appearances:

Victims are encouraged to appear telephonically for all hearings. The Prosecutor's Office shall notify all Victims of this preference. A Judge may allow a Victim to appear in person at the Judge's discretion.

Section 5. Probation Officers:

Probation Officers are encouraged to appear telephonically, unless specifically requested/subpoenaed to appear personally.

Section 6. General public and media appearances:

Members of the general public and media are permitted to observe all criminal proceedings that are open to the public, but such observation shall be conducted telephonically. If a member of the public and/or media wishes to observe a hearing, such person shall contact the Judicial Assistant of the assigned judicial officer at least one business day in advance so that the person may be provided with a call in number and the Court is aware that the person will be attending telephonically. Requests to record proceedings are still subject to Rules 122 and 122.1.

Section 7. Deviation Requests/Continuances:

Any party/person may request a deviation from the provisions of this Administrative Order. The assigned Judge shall review any such request and allow appropriate deviations.

Judges are encouraged to liberally consider continuances during the period of emergency, so long as such continuances do not violate a Defendant's and/or Victim's constitutional rights.

SCHEDULING

Section 8. Alternative Schedules:

Judicial Officers may consider alternative scheduling to reduce staff presence, while still performing essential functions and fulfilling the Court's mission of service. All such plans shall be approved by the Presiding Judge in advance.

Section 9. Staggered Hearings:

The Court shall use best efforts to ensure that no more than three defendants have matters set during any fifteen minute time slot.

Section 10. Time between Hearings.

Except for continued Arraignments and Sentencings/Dispositions, Judicial Officers shall consider a minimum time between hearings of sixty days for Defendants who are out of custody.

JUVENILE DELINQUENCY HEARINGS

Section 11. Juvenile Delinquency Matters:

The preceding provisions shall apply in Juvenile Delinquency matters.

DURATION

Section 12. Duration:

The provisions of this Administrative Order shall remain in effect until further notice.

Dated: April 1, 2020.



Hon. Timothy Wright, Presiding Judge
Superior Court in Gila County

Original: Clerk of the Superior Court

Copies: The Hon. Timothy M. Wright
The Hon. Bryan B. Chambers
The Hon. Gary V. Scales
The Hon. Anita Escobedo, Clerk of Court
Mr. Jonathan Bearup, Court Administrator
Mr. Steve Lessard, Chief Probation Officer.
Mr. Brad Beauchamp, Gila County Attorney
Mr. Brad Soos, Chief Deputy, Gila County Attorneys' Office
Gila County Criminal Contract Counsel
Mr. James Menlove, County Manager
Mr. Michael O'Driscoll, Gila County Emergency Services
Sheriff Adam Shepherd, Gila County Sheriff
Major Matt Solberg, Jail Commander
Arizona Administrative Office of Courts