

FILED

AT _____
2020 MAY 27 AM 9:34
ANITA ESCOBEDO, CLERK
BY [Signature] DEPUTY

ARIZONA SUPERIOR COURT
GILA COUNTY

In the Matter of:)
)
JURY TRIALS IN ACCORDANCE)
WITH ARIZONA SUPREME COURT)
ADMINISTRATIVE ORDER 2020-79)
)
_____)

Administrative Order 202000006

Whereas, on March 11, 2020, the Governor declared a State of Emergency, as a result of COVID-19; and

Whereas, following the issuance of the State of Emergency, the Arizona Supreme Court and this Court issued various Administrative Orders that among other things, precluded trial by jury; and

Whereas, on May 20, 2020 the Arizona Supreme Court issued Administrative Order 2020-79 that allows courts to begin the transition to in person hearings as may be safely done; and

Whereas, Section IV of AO 2020-79 allows for the resumption of trial by jury, no earlier than June 1, 2020, subject to appropriate social distancing and other measures necessary for the protection of jurors and the general public; and

Whereas, this Court has developed a Plan to allow for trial by jury in Gila County as early as June 15, 2020; and

Whereas, the plan was developed after input from Gila County Judges, Court Clerk staff, and Court Administration personnel; and

Whereas, the Plan has been reviewed and approved by the Gila County Health Department; and

Whereas, the physical spacing aspects of the Plan have been reviewed by members of the Gila County Sheriff's Department and such members believe the

Courtroom security can be maintained under the provisions of the Plan for in custody defendants; and

Whereas, the Plan is designed to ensure the safety of jurors, court staff, litigants, and the general public by limiting the number of potential jurors present at any time, allowing for physical distancing of potential jurors and trial jurors, and limiting the number of days and times potential jurors and trial jurors are required to be in the Courthouse; and

Whereas, the plan allows Defendants to exercise their constitutional right to a trial by jury,

Therefore, the Court makes the following Orders,

Section 1. The Jury Trial Plan, attached hereto, is adopted and all jury trials shall follow the provisions of such Plan.

Section 2. The Plan shall remain in effect until either modified or rescinded.

Section 3. The Presiding Judge may make exceptions to the Plan when necessary and consistent with public safety.

Dated: May 27, 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 Felony 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

JUNE 2020 JURY TRIAL PLAN

The Court will resume scheduling jury trials as of June 2020. Jury trials shall have scheduling priority as set forth in Rule and Statute. All jury trials shall be (1) scheduled to begin on Wednesdays, (2) be scheduled for Wednesdays through Fridays only, (3) proceed in Courtroom B¹ (or other large room as may be directed), and (4) and shall proceed as set forth below:

*Certification.*²

Juror Summons will not be issued unless a joint Certification of readiness for jury trial is submitted at least 16 calendar days prior to the jury trial. If a joint Certification is not submitted to the Court at least 16 days prior, the trial date will be vacated and the matter will be reset for a Trial Setting Conference.

At the time the Certification is filed, counsel shall also submit electronically to the Trial Judge's Judicial Assistant a list of names of witnesses/persons who may be mentioned at trial and an agreed upon case summary (for inclusion in the questionnaire). If the attorneys cannot agree on a case summary, each side should submit a case summary to the Judge and the Judge shall prepare a case summary.

If certifications are submitted for more than one case on a specific date, the Presiding Judge will determine the priority of cases and juror summonses will only be issued for the case having priority. The trial date for all other cases will be vacated and the matters reset for Trial Setting Conferences.

Juror Summonses.

Upon the Presiding Judge's confirmation that a case will proceed, the Jury Commissioner will issue summonses. Summonses will be in numbers and

¹ The Courtroom layout for jury trials taking place in Courtroom B shall be as generally set forth in the attached diagram. This diagram is conceptual and not necessarily to scale.

² Pursuant to local practice, attorneys under contract for criminal matters and the County Attorney's Office are required to submit a 'certification' to the Court indicating that they are both prepared to move forward on criminal jury trials before a jury is summonsed. Under this Plan, a certification will be required in all cases before jurors will be summonsed for any jury trial.

staggered appearance times as discussed below.³ The Trial Judge will provide a Questionnaire to the Jury Commissioner by 5:00 pm on the Tuesday after certification. See attached sample Questionnaire. The Jury Commissioner will send out the Questionnaires, the Summons, and a note about the Court's COVID-19 precautions to all prospective jurors. Jurors will be requested to return the completed Questionnaires no later than the Monday immediately preceding the Wednesday trial date.

The Jury Commissioner shall liberally grant accommodations to prospective jurors that are at high risk for COVID-19, have immediately family members who are at high risk, have been exposed to COVID-19, have been recommended to quarantine, whose service would substantially and materially affect the public welfare, or who have other legitimate concerns relating to COVID-19. If the Jury Commissioner has any question regarding accommodations, such question should be referred to the Presiding Judge.

PreTrial Order.

Upon summonses being issued for a case, the Trial Judge shall issue a PreTrial Order directing Counsel to meet and confer to (a) resolve as many pretrial issues as possible and (b) alert the Trial Judge to any known trial issues. The PreTrial Order shall also set the Final PreTrial Conference, at least 5 days prior to jury selection. See attached sample PreTrial Order language.

Final PreTrial Conference.

The attorneys trying the case shall attend the final PreTrial Conference. The conduct of the PreTrial Conference will be determined by the needs of each case. At a minimum, the Trial Judge shall address: (a) the scheduling of witnesses, (b) any issues related to exhibits, (c) any trial issues that need to be resolved outside the presence of the jury and (d) Preliminary Jury Instructions. If an issue is raised during trial that was known and could have been raised at the Final PreTrial

³ The names for these summons are randomly drawn from the jury pool as a whole by software utilized by the Clerk.

Conference, but was not, the Trial Judge may deem any objections to that issue waived.

Monday before Trial.

The Questionnaires received by the Clerk will be provided to the attorneys and the Trial Judge. Based upon the information contained in the Questionnaires, the Trial Judge may sua sponte excuse potential jurors.

Wednesday – Jury Selection.

8:30-9:00 Judge meets with counsel in the Courtroom B for any final issues. Audio recording will be utilized as the record.

8:45 Clerk meets with first group of potential jurors. (20 summons issued for 8:45)

9:00 First group of potential jurors enter courtroom, are sworn in, and voir dire is conducted. Voir dire will be truncated based upon the information provided in the Questionnaires

With each group of potential jurors: (1) jurors will need to be sworn in; (2) if a juror is excused, that juror is fully released; if that juror is acceptable/is passed, contact information will be verified and the juror will be advised to be back in court the next day at 8:30 for the trial; and (3) Attorneys will need to pass each group for cause before excusing that group. A court reporter will be utilized for voir dire.

10:15 Clerk meets with the second group of potential jurors. (20 summons issued) Clerk may wish to use the back hallway for this meeting if voir dire is still in process for first group and/or to allow for a quick disinfecting between groups.

10:30 Second group of jurors enter courtroom. Repeat voir dire.

Juror voir dire will be repeated at 1:00, 2:30, and 4:00 until number of jurors passed is sufficient - 8 or 12 trial jurors, plus alternates, plus 2 strikes each side. If following voir dire of the last group, there are extra jurors, e.g., 13 are needed

(8+1+2+2) and 15 have been passed, the last jurors to check in (i.e. jurors 14 and 15) will be excused.

The Clerk will provide the attorneys with a list of potential jurors who have been passed and qualified and the attorneys will then make peremptory strikes. Following strikes, the Clerk will create the final trial juror list. The Clerk will then notify all jurors (either by phone or text) indicating if each juror needs to be present at 8:30 on the next day (Thursday), or if the prospective juror has been excused.

After jury selection is done, the Trial Judge and the attorneys (utilizing an audio record) will finalize preliminary instructions and any other outstanding matters.

Thursday, Day One of Evidence (and days following).

8:30 Promptly at 8:30, trial jurors are sworn, the indictment is read, preliminary instructions are given, and counsel makes opening statements. Following openings statements, counsel should be prepared to efficiently present evidence without unnecessary delays or unscheduled breaks. In order to maximize time and minimize the number of trial days, the Court will not plan on recessing until 5:30. Attorneys should have witnesses ready in accordance with this extended schedule.

Jury Deliberations.

In order to allow appropriate distancing, jury deliberations will take place in the Courtroom. Appropriate steps will be taken to secure the Courtroom and disable any audio/video feeds. Jurors will be advised of how they can contact the bailiff if a question arises or if a verdict is reached.

SAMPLE QUESTIONNAIRE

Please fill out this questionnaire to the best of your ability and return it to the Jury Commissioner (via mail or email) by _____.

Your Name _____

[CASE SUMMARY listed here]

Have you seen, heard, or read anything about this case? _____. If yes, please explain.

Have you, or any members of your close family or friends, ever been involved in a case similar to this? _____. If yes, please explain.

Is there anything about the nature of this case that would make it difficult for you to serve as a fair and impartial juror? _____. If yes, please explain.

Do you know any of the listed persons. If so, please indicate how.

LIST OF WITNESSES

Witness	(know/don't know)	If yes, how
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Jury service is an inconvenience to everyone to one extent or another. But it is also very important to our community that persons such as yourselves are willing to serve on juries to decide cases such as this. Jury duty is one of the most important civic duties citizens of this country are called upon to perform.

The schedule for this trial is

_____ days _____

approximately 8:30-5:30 each day.

Is there anything about this schedule that presents a significant problem for you (whether personal, business or health related) that you are requesting to be excused from jury service?

Have you ever been called as a witness in court? If so, please explain.

Have you or any members of your family or close friends ever served as a law enforcement officer? If so, explain.

Have you or any members of your family or close friends ever studied or practiced law? If so, explain.

Have you or any members of your family or close friends ever studied or practiced medicine? If so, explain.

Do you live in ___ Payson ___ Globe ___ Star Valley ___ Miami
___ Young ___ Tonto Basin ___ Winkelman/Hayden ___ Other_____

What is your profession, or if retired, what was your profession before retirement?

Are you married? _____ Do you have any minor children? _____

Ever served on jury? ___ If you have served and can remember, please indicate the type of case, the verdict, and if you were the foreperson.

Have you or any members of your family or close friends ever been arrested, charged, or convicted of any crime? If so, explain.

Have you or any members of your family or close friends ever been the victim of a crime? If so, explain.

Thank you.

The information contained in this questionnaire is correct to the best of my memory.

Sample PreTrial Order Language.

Counsel have certified that they are ready for a jury trial in this matter and the Jury Commissioner has issued Summons.

Based upon the foregoing,

IT IS ORDERED that no later than eleven calendar days before trial, counsel shall meet and confer to discuss the following:

1. What physical exhibits (photos, lab reports, etc.) will be admitted by stipulation.
2. Whether there are any stipulations that would obviate the need to call particular witnesses.
3. Whether there are any stipulations that would permit a particular witness' testimony via phone or video.
4. A proposed schedule for the testimony of likely trial witnesses.
5. A list of any pretrial issues can be addressed at the final PreTrial Conference.
6. Any stipulations regarding preliminary or final jury instructions.

IT IS FURTHER ORDERED that Counsel shall file a joint pretrial statement containing the results of the items discussed at their meeting prior to the final PreTrial Conference. The joint statement must include a section of agreed upon preliminary and final jury instructions and shall include the actual textual language of each stipulated or requested jury instruction in Word format.

IT IS FURTHER ORDERED setting a final PreTrial Conference for _____. At the Pretrial Conference, the Court will review with counsel the joint pretrial statement.

IT IS FURTHER ORDERED that prior to PreTrial Conference, counsel will make arrangements with Court Administration to ensure that all of the exhibits they intend to introduce at trial can be published to the jury in the courtroom and during deliberations. Counsel will be responsible for providing any technological device not available from Court Administration that is necessary to publish any exhibit counsel will ask to be admitted.

IT IS FURTHER ORDERED that no later than two days before trial, counsel must submit all trial exhibits to the Clerk of Court for marking.

Bench

Defense

Plaintiff

Jury Box
(space for security,
counsel's staff,
etc)

Witness
Stand

Elmo

Reporter

Seating area for jurors (with distancing)

Benches used as
barrier

Bench for public use

Bench for public use

(Jury Traffic to back hallway)

Bench

