

FILED
AMANDA STANFORD
CLERK OF SUPERIOR COURT

2020 MAR 20 AM 11:58

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

BY AL DEPUTY

IN AND FOR THE COUNTY OF PINAL

IN THE MATTER OF AUTHORIZING) ADMINISTRATIVE ORDER
CHANGE IN COURT PROCEEDINGS)
TO HELP PREVENT THE SPREAD) 2020 - 00025
OF COVID-19)

WHEREAS, the Presiding Judge of the Superior Court of Arizona in and for Pinal County is the Chief Judicial Executive Officer of the County and has administrative supervision over all courts in Pinal County pursuant to Article VI of the Arizona Constitution and Arizona Supreme Court Administrative Order No. 2017-79; and

WHEREAS, the Supreme Court of Arizona issued Administrative Order(s) 2020-47 and 2020-48 to help prevent the spread of COVID-19 in the general population;

IT IS HEREBY ORDERED, that commencing March 23, 2020 to April 26, 2020, (unless extended by the court) the following procedures shall be adopted in all pending criminal matters:

Waiver of Defendant's Presence. Any criminal matter now set for a pre-trial conference; status conference or review hearing shall be converted to a non-appearance hearing. Neither the defendant or the attorneys shall appear unless approved by the court. In lieu of an appearance hearing, the parties shall file a Joint Pretrial Conference Statement, providing confirmation that the parties have complied with Rules 15.1 and 15.2.; or a joint statement regarding the issue(s) set for review. When possible, that statement shall be filed at least 3 business days before the hearing. It is the responsibility of the defense attorney to notify the Pinal County Sheriff (jail staff) or the assigned division that the defendant's presence is no longer required.

For good cause, a party may request to convert any of those hearings to an appearance hearing by notifying the division no less than 3 business days prior to the hearing start time. The Court retains discretion to deny an appearance hearing, as the Court deems appropriate.

A party and/or attorney may appear at any of these hearings in person, by telephone, or by other virtual communications. Any party and/or attorney seeking to appear virtually must contact the assigned division to coordinate the virtual appearance with the other party(s).

Presence of Defendants. The Defendant shall be present for a Bail Eligibility Hearing pursuant to Rule 7.4(b); a Change of Plea pursuant to Rule 17.1; or Imposition of Sentence pursuant to Rule 26.9. A Defendant's presence may be waived if the matter is being vacated or continued and defense counsel confirms the Defendant does not object and waives time.

Counsel for the defendant shall discuss with the defendant the possibility of waiving their appearance at arraignment pursuant to Rule 14.3(b).

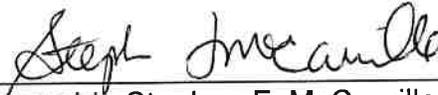
Sentencing. Any sentencing hearing may be reset for 30 days by written request of one or both of the parties. A request for a continuance must include confirmation that the Defendant waives the requirement under Rule 26.3 of the Arizona Rules of Criminal Procedure that he/she be sentenced within 30- 60 days. The sentencing division will consider any input from victims regarding the length of a continuance.

Violation/Disposition. Any violation hearing, or disposition hearing may be reset for 30 days by written request of one or both of the parties. A request for a continuance must include confirmation that the Defendant waives the requirement under Rules 27.8 (b) or 27.8 (c) of the Arizona Rules of Criminal Procedure that the case be heard within 7- 20 days. The assigned judge will consider any input from victims regarding the length of a continuance.

Motions to Continue. Any party requesting a continuance of any hearing and/or trial date must file a written Motion to Continue, or Stipulation To Continue. The motion should include the Defendant's position on excluding time from the Rule 8.2 time limitations. If the hearing and/or trial dates are continued or changed, defense counsel shall file an affidavit or other satisfactory proof confirming that the Defendant has been made aware of all future court dates.

Seating/Spectators. The Court reserves the right to limit the number of persons in the courtroom to comply with CDC guidance regarding the use of social distancing to control the spread of COVID-19. The Court may enforce this by prohibiting people from sitting in specified seats to maintain appropriate distance between people. To the extent that the number of persons in the room may exceed CDC guidance, the Court will grant priority to victims and persons participating in the hearing being held by the Court. The Court may request that other persons wait in the lobby or hallways pending completion of the hearing.

Dated this 20th day of March, 2020.



Honorable Stephen F. McCarville
Presiding Judge

Original: Clerk of the Superior Court
Copies: Judges, Pinal County
Kent Volkmer, Pinal County Attorney
Amanda Stanford, Clerk of the Court
Louis Andersen, County Manager
Paula Cook, Public Defender
Todd Zweig, Court Administration
Court Administration
David Rodriguez, Chief Criminal Deputy County Attorney
Elsa Robbins, Chief Deputy
Nikki Felix, Business Operations Director