

# GJ Code Standardization Meeting

## Agenda

Wednesday, January 15, 2020

1:30 – 3:30

(602) 452-3533 Meeting ID: 997629597

### 1/15/2020 Agenda:

#### Mohave

- Request to add new event – **NOTICE: NOTICE OF RIGHTS TO RESTORE CIVIL RIGHTS AND TO POSSESS A FIREARM:**
  - Effective 1/1/2020, new Rule 41 forms take effect which effectively end dates the current criminal form Rule 23 Notice of Rights of Review after Conviction, Rule 24(b) Notice of Post Conviction Relief and replaces them with Form 23(a) Notice of Rights After Sentencing in the Superior Court and Notice of Rights to Restore Civil Rights.
  - *Notice of Rights After Sentencing in the Superior Court was added on 1/1/2020 but the order for Notice of Rights to Restore Civil Rights was still waiting for a signature from the Chief Justice. I have asked for an update on this but have still not received it. Should we end-date Notice of Rights of Review after Conviction and Notice of Post Conviction Relief?*

#### AOC

- **Rule 33 discussion:**
  - This is new legislation effective 1/1/2020. New legislation for Rule 33 allows “pleading” defendants to have a single, self-contained rule, customized to their procedural circumstances, to guide them through the post-conviction process.
  - AOC recommendation – change name of event category Rule 32 to PCR to allow use with Rule 32 and Rule 33. A clean up script would be needed to change the name of existing events with Rule 32 event category to have the category name changed to PCR.
    - Concerns:
      - ✓ Will this work for time standards?
      - ✓ Will we need to duplicate all Rule 32 events for Rule 33?
      - ✓ Do we need to change case status Rule 32 to PCR?
  - In order to prepare for the eWarrant’s project, we would like to collect information regarding your process for Fugitive Warrants. Please be prepared to discuss.

# GJ Code Standardization Meeting

## Agenda

Wednesday, January 15, 2020

1:30 – 3:30

(602) 452-3533 Meeting ID: 997629597

### 1/15/2020 Agenda:

#### Jurisdictions Represented:

Coconino – Val Wyant

Gila – Esther Canez, Anita Escobedo

Graham – Stephanie Newton

La Paz – Ryan Andersen

Mohave- Della Hiser, Andrew Dixon

Pima – John Baird

Pinal –Odette Apodaca, Nikki Felix

Santa Cruz –Valeria Fuentes, Dolly Legleu, Juan Pablo Guzman

Yavapai - Donna McQuality, Heather Diaz, Rachel Roehe, Karen Wilkes

AOC- Patrick McGrath, April Smith, Marretta Mathes, Nicole LaConte, Sarah Baker, Melanie Cluff, Marisa Shaffery

#### Mohave

- Request to add new event – **NOTICE: NOTICE OF RIGHTS TO RESTORE CIVIL RIGHTS AND TO POSSESS A FIREARM:**
  - *Effective 1/1/2020, new Rule 41 forms take effect which effectively end dates the current criminal form Rule 23 Notice of Rights of Review after Conviction, Rule 24(b) Notice of Post Conviction Relief and replaces them with Form 23(a) Notice of Rights After Sentencing in the Superior Court and Notice of Rights to Restore Civil Rights.*
  - *Notice of Rights After Sentencing in the Superior Court was added on 1/1/2020 but the order for Notice of Rights to Restore Civil Rights was still waiting for a signature from the Chief Justice. I have asked for an update on this but have still not received it. Should we end-date Notice of Rights of Review after Conviction and Notice of Post Conviction Relief?*
  - **This was granted. Suggestion to remove “Notice” after colon (NOTICE: NOTICE OF RIGHTS TO RESTORE CIVIL RIGHTS AND TO POSSESS A FIREARM)**
  - **The courts do not want to end-date the two events shown above.**

#### AOC

- **Rule 33 discussion:**
  - *This is new legislation effective 1/1/2020. New legislation for Rule 33 allows “pleading” defendants to have a single, self-contained rule, customized to their procedural circumstances, to guide them through the post-conviction process.*
  - *AOC recommendation – change name of event category Rule 32 to PCR to allow use with Rule 32 and Rule 33. A clean up script would be needed to change the name of existing events with Rule 32 event category to have the category name changed to PCR.*

- **Options are to start new event category for Rule 33 OR change existing Rule 32 event category to PCR.**
  - **This will not change the old event category Rule 32 on the ROA but it will display PCR in the Event Management screen.**
    - **Example: Go to a case containing Rule 32 event, double click and it will take you to Event Management screen which displays the event category as “Rule 32” on top and below is the event which displays as Rule 32: Completion of PCR File Review. When the event category changes, the top of the event management screen will display “Post-Conviction Relief” the events will still display as Rule 32: completion of PCR file review.**
- **Suggestion to spell out to Post Conviction Relief instead of acronym PCR but this will depend on field’s max character limit.**
  - **This was granted.**
  - Concerns:
    - ✓ Will this work for time standards?
      - **Marretta does not see any issue with changing the description on the Event Category.**
    - ✓ Will we need to duplicate all Rule 32 events for Rule 33?
      - **After meeting with Donna, Della and Marretta, it was decided that we will be creating duplicate events for Rule 33. When the users select the event under the event category of Post Conviction Relief, they will need to be cognizant of whether it’s a Rule 32 or Rule 33 case.**
    - ✓ Do we need to change case status Rule 32 to PCR?
      - **Case and Party Status description will be changed from Rule 32 to Post Conviction Relief.**
  - Below are the events that will be added:

Event Category	Event Entry
POST CONVICTION RELIEF	RULE 33: COMPLETION OF PCR FILE REVIEW
POST CONVICTION RELIEF	RULE 33: DISMISSAL
POST CONVICTION RELIEF	RULE 33: GRANTING OF PETITION FOR POST CONVICTION RELIEF
POST CONVICTION RELIEF	RULE 33: ORDER GRANTING WITHDRAWAL FOR POST CONVICTION RELIEF
POST CONVICTION RELIEF	RULE 33: PETITION TO WITHDRAW PETITION FOR POST CONVICTION RELIEF
POST CONVICTION RELIEF	RULE 33: POST CONVICTION RELIEF APPOINTMENT OF COUNSEL
POST CONVICTION RELIEF	RULE 33: POST CONVICTION RELIEF EXTENSION OF TIME

POST CONVICTION RELIEF	RULE 33: POST CONVICTION RELIEF NOTICE
POST CONVICTION RELIEF	RULE 33: POST CONVICTION RELIEF TRANSCRIPT
POST CONVICTION RELIEF	RULE 33: REPLY TO RESPONSE TO RULE 33 PETITION
POST CONVICTION RELIEF	RULE 33: RESPONSE TO RULE 33 PETITION
POST CONVICTION RELIEF	RULE 33: RULING ON POST CONVICTION RELIEF

**Existing event of 'PCR: RULE 33 PETITION FOR POST CONVICTION RELIEF' will have the PCR removed.**

- In order to prepare for the eWarrant's project, we would like to collect information regarding your process for Fugitive Warrants. Please be prepared to discuss.

**Fugitive warrants discussion:**

- **The issue of processing fugitive warrant was brought up due to the superior court in Yavapai County not being able to issue an FTA warrant on an FW case.**
  - **It is Yavapai County's usual practice to create a new case when a person is picked up on a fugitive of justice warrant.**
  - **The case type used in this and some other counties (not all) is Criminal, with a "Fugitive Warrant" case category.**
  - **Yavapai County does not add charges to FW cases.**
  - **Donna said that they create this case without charges when the defendant is cited on new misdemeanor charges that could/would be filed in LJ courts instead of GJ**
  - **The defendant is IAd and released on bond which is forwarded to the state where the FOJ warrant was issued**
  - **3 hearings are set**
  - **If/when defendant FTAs on the FW case Yavapai will issue an FW case**
- **Other courts stated that they will create the FW case only if the defendant does not waive extradition**
- **Other courts stated that they would not issue FTA warrant if the defendant FTAs for the review hearing**
- **Other courts stated that if bond is posted on the original FOJ (out of state) warrant, defendant is released and the FW case is dismissed**
- **Pinal and Apache counties have added the 13-3854 to their FOJ cases. This is not a citable offense**

**FOJ Warrant Committee to meet initially on 1/30/2020 at 9am. Rule 11 warrants on cases transferred up from LJ courts will also be discussed.**