



MARICOPA COUNTY SUPERIOR COURT: CRIMINAL DEPARTMENT

Modified Criminal Department Operation during COVID-19 Pandemic

The Criminal Department of Maricopa County Superior Court is modifying appearance policies on a temporary basis to reduce the potential of exposure to COVID-19 to staff, the Court, to lawyers, parties and members of the public. Therapeutic and compliance courts will also be suspended. Effective Tuesday, March 17, 2020, the following temporary policies will be implemented for a period of 60 days, with additional extensions to be made if needed. **NOTE:** This document has been updated to reflect Maricopa County Superior Court Administrative Order 2020-043, which is effective March 25, 2020 through April 8, 2020.

1 IPTCs, CPTCs, CCMCs and Status Conferences

- a. **Non-Appearance Hearings.** Absent Court order to the contrary, each of the hearings is converted to a non-appearance hearing at which none of the parties is required to appear.
- b. **Written Statements.** In lieu of personal appearances, the parties and/or counsel are ordered to confer either verbally or in writing for the purpose of preparing and filing the written statements by close of business on the hearing date(s) for the following types of hearings. The Court will make Word templates of each of these statements available on-line at <https://superiorcourt.maricopa.gov/communications-office/covid-19/>. Failure to timely file the required statement may result in the Court setting an Order to Show Cause Hearing for failure to comply with the Court's orders. To the extent that any written statement might contain sensitive information that a party would typically provide at a bench conference and would prefer not to have filed into the Court's docket, that sensitive information may be provided in a separate Sensitive Information document with a Motion to File Under Seal and a Proposed Form of Order. Please remember not to e-file the Sensitive Information document. The Court will liberally grant motions to seal sensitive information for the duration of the COVID-19 crisis. The parties must provide a courtesy copy of the Motion to File Under Seal and Proposed Form of Order to the case management judge's division, and provide the original of the Sensitive Information document to the case management judge's division. The parties must also file an original of the Motion to File Under Seal and Proposed Form of Order with the Clerk of Court (i.e., e-filing).

- 1 **Initial Pretrial Conference (IPTC).** The parties shall file a Joint Initial Pretrial Conference Statement, providing confirmation that the parties have complied with Rules 15.1 and 15.2.
- 2 **Comprehensive Pretrial Conference (CPTC).** The parties shall file a Joint Comprehensive Pretrial Conference Statement, providing the information required in the Court's minute entry order setting the CPTC.
- 3 **Scheduling Conference for Complex Case.** The parties shall file a Joint Case Management Plan, providing the information required in the Complex Case Designation and Case Management Order and Administrative Order No. 2010-090.
- 4 **Complex Case Management Conference (CCMC).** The parties shall file a Joint Case Management Report, providing the information required in the Court's minute entry order designating the matter as complex and Administrative Order No. 2010-090.

5 Status Conference. Each party shall file a separate Status Conference Report addressing the specific issues for which the Status Conference was set.

- **Plea on Demand is suspended through April 8, 2020.**
- **Judicial Officers have been asked to vacate all out-of-custody defendant settlement conferences currently set, and not to schedule any for the next 60 days. During the period of Administrative Order 2020-043, in-custody settlement conferences will not take place (March 25 through April 8, 2020).**

c. Converting Non-Appearance Hearing to an Appearance Hearing. For good cause, a party may request to convert any of these hearings (IPTCs, CPTCs, CCMCs and Status Conferences) to a telephonic or virtual appearance hearing by notifying the case management 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 may appear at any of these hearings by telephone or by other virtual communications. Any party seeking to appear virtually will need to coordinate the virtual appearance with the opposing party so that the parties can contact the division together. If an appearance hearing is granted, the case management division will set it as a TIME CERTAIN hearing, most likely during the usual morning calendar times.


d. Presence of Defendants. If a non-appearance hearing is converted to a telephonic or virtual appearance hearing, a Defendant's presence will be waived. The Court is working on possibilities for in custody Defendants including video conferencing. In the interim, a Defendant's presence will be waived and defense counsel must confirm the Defendant does not object. Any request to continue and/or exclude time needs to confirm a Defendant's position regarding exclusion of time under Rule 8.2.

e. Emergency Hearings. All other requests for hearings in any criminal case before the Arizona Superior Court in Arizona must be made by motion with the caption "Request for Emergency Hearing" and must be emailed to the assigned judicial division with a copy emailed to crimalemergencies@jbazmc.maricopa.gov. Requests for hearings must be made to proceed with a Change of Plea, out-of-custody Probation Violation Hearings, and Dispositions, and any other matter with an explanation regarding why an emergency hearing is required.

f. Motions to Continue. Any party requesting a continuance of any of the above hearings and/or trial date must file a written Motion to Continue. To the extent that a party seeks to continue the trial date, the motion should include the Defendant's position on excluding time from the Rule 8.2 time limitations. Any time the hearing and/or trial dates are continued or changed, defense counsel must file an affidavit confirming that the Defendant has been made aware of all future court dates (regardless of whether Defendant is in or out of custody). The division will take into account any input from victims.

2 FTMCs. FTMCs will all be appearance hearings, i.e., all parties are required to participate in any FTMC, but may do so by telephonic or other virtual means and a Defendant's presence may be waived under the same procedures outlined above. Any Motion to Continue Trial must list all extraordinary circumstances on which the parties will rely to argue that the Court should find that a delay is indispensable to the interests of justice.

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- 3 **IAs.** All Initial Appearances will proceed in-person unless otherwise directed by the court, except for initial appearances on summonses, which will be continued.
 - 4 **Preliminary Hearings.** All Preliminary hearings will proceed in-person to the extent possible. Efforts should be taken to minimize the number of individuals called to testify at a preliminary hearing.
 - 5 **Arraignments.** As of the date of Administrative Order 2020-043, Rule 14 of the Arizona Rules of Criminal Procedure does not apply to superior court cases in this county. In-person arraignments will be held for indicted defendants. For defendants charged by information, arraignments will be held directly after the finding of probable cause.
 - 6 **Bail Hearings.** All release hearings for defendants held non-bailable will proceed in-person to the extent possible.
 - 7 **FTMCs.** FTMCs will be continued if set between March 25, 2020 and April 8, 2020.
 - 8 **Sentencings.** All in-custody sentencings will proceed in-person in cases in which a determination of guilt occurred more than 50 days prior to issuance of Administrative Order 2020-043 or in which the defendant has had a determination of guilt more than 50 days earlier, unless a request for continuance is granted. The sentencing division will take into account any input from victims regarding the length of a continuance.
 - 9 **Probation Violation Hearings.** Unless a request for continuance is granted, all in-custody probation violation hearings will proceed in-person. In addition, unless a request for continuance is granted, all in-custody probation violation disposition hearings will proceed in-person. Out of custody probation violation hearings and disposition hearings will be continued.
 - 10 **Fugitive of Justice Hearings.** All fugitive of justice hearings will proceed in-person to the extent possible.
 - 11 **Rule 11 Evidentiary Hearings.** All Arizona Rules of Criminal Procedure Rule 11 evidentiary hearings will proceed in-person to the extent possible. All Rule 11 non-evidentiary matters will be handled telephonically or as non-appearance hearings.
 - 12 **Seating/Spectators.** Pursuant to Administrative Order 2020-043, attendance at any in-person event is limited to parties, witnesses, victims, sheriff's deputies, detention officers, law enforcement officers and lawyers. Social distancing will be observed, and the Court may enforce public health guidance 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. The Court encourages the State and/or victims' advocates to alert victims they may appear by telephone by prior arrangement with division staff. The Court further encourages the parties to give the Court as much advance notice as possible if they expect a particular hearing will be well attended so that the Court can attempt to locate a larger courtroom in which to hold the hearing and/or reset the hearing to a future date.



13 Suspension of Jury Trials. The Arizona Supreme Court and/or Maricopa County Superior Court Administration may suspend jury operations for a period of time. Any suspension of jury operations would mean no new jury trials will be started. To the extent jury service is suspended, any pending FTMC / Trial dates will be extended for a commensurate period of time with Rule 8.2 time excluded. For example, if new jury trials are suspended for a period of 14 days, the Court will sua sponte issue a minute entry extending the FTMC / Trial dates by 14 days.

14 Bench Conferences. Please do not ask for bench conferences at this time. If either party has something it wants to relay to the Court, please consider placing it in writing.

15 Specialty Courts. The following court calendars will be suspended until May 18, 2020, with additional extensions as needed: Mental Health Court, Veterans' Court, Domestic Violence Court, Drug Court, post-sentencing DUI Court (Commissioner Guyton's calendar), Spanish DUI Court, Restitution Court, JTOP, and Bond Forfeiture. Petitions to revoke filed in these cases will be heard in Probation Violation Court.

Thank you for your attention to the above. This is a period of uncertainty and the Criminal Department cares very much for the lawyers, parties, families, victims and staff and wants to ensure safety to the extent possible. Please **DO NOT** enter the courthouse if you have any symptoms or anyone in your immediate household has symptoms. The Court will work with you to reschedule hearings or allow you to appear virtually. Please also use common-sense practices to protect all participants in court hearings such as social distancing (i.e., no handshakes), handwashing, use of personal hand sanitizer, etc.

[Click here to access available court forms online](#)