

IN THE CONSOLIDATED JUSTICE COURT
IN AND FOR THE COUNTY OF PIMA

IN THE MATTER OF:)

AUTHORIZING LIMITATION OF COURT)
OPERATIONS DURING A PUBLIC HEALTH)
EMERGENCY AND RESTRICTING PHYSICAL)
ACCESS TO THE PIMA COUNTY CONSOLIDATED)
JUSTICE COURT)
_____)

ADMINISTRATIVE ORDER
NO. 2020-8
(Replaces AO 2020-7)

Due to concern for the spread of COVID-19 in the general population, the Governor of the State of Arizona declared a statewide emergency. Arizona Supreme Court Chief Justice Robert Brutinel issued Administrative Order No. 2020-143 to address measures to be taken by the Judicial Branch to conduct business in a manner that reduces the risk associated with this public health emergency. Supreme Court Administrative Order No 2020-143 directs the presiding Superior Court Judge of each county to determine how in-person proceedings are to be conducted in each of the county's courtrooms under conditions that protect the health and safety of participants and the public. The Order further sets forth a process courts in Arizona are to use to return to full operation over time in phases. The Order identifies the present state of the courts as Phase 1. No timetable to safely move the courts to Phase II has been established. In turn the Presiding Judge for the Pima County Superior Court issued Administrative Order 2020-43.

IT IS ORDERED Arizona Supreme Court Administrative Order 2020-143 and Pima County Superior Court Administrative Order 2020-43 is hereby incorporated by this reference and adopted as it pertains to the operation of the Pima County Consolidated Justice Court.

IT IS ORDERED beginning August 31, 2020 and through November 1, 2020 all matters to be heard by the Court, as set forth hereinafter, shall presumptively be conducted telephonically or via video. Although the majority of in-person hearings will not occur in the justice court during the pendency of this Administrative Order, *the court, when good cause is shown, may conduct a hearing with all parties present in the courtroom.* Any in-person hearing shall be conducted in

full compliance with the terms of this Administrative Order and the guidelines established by the Center for Disease Control, the Arizona Department of Health Services and the Pima County Health Department. *No more than 10 people shall be allowed in the courtroom at one time, with social distancing.*

IT IS ORDERED that any media appearances be a telephonic or video appearances. If an in-person appearance in the court building is requested, a written request shall be submitted to mediarelations@jp.pima.gov 24-hours in advance.

IT IS ORDERED access to public hearings during COVID-19 will be by telephone or video. If a hearing has already been held, a public records request may be made via email <http://www.jp.pima.gov/DigitalRecordingRequest>

IT IS FURTHER ORDERED that all persons entering the courthouse must pass a wellness check and wear a face mask at all times while in the courthouse to comply with safe distancing protocols. This Order does not require the Court to provide masks. Masks shall not conceal a person's identity. Anyone experiencing flu-like symptoms, fever, cough or difficulty breathing should not come to the courthouse. Protocols for allowing entry into the building are posted at the court points of entry for employees and the public.

IT IS FURTHER ORDERED: Victims may appear telephonically or by Zoom. If a victim insists on appearing in-person, the victim may appear in the courtroom maintaining safe distancing, wearing a face mask with a limitation of ten people in the courtroom at a time.

IT IS ORDERED the following hearings may be conducted during the term of this Administrative Order listed:

1. CRIMINAL:

- Preliminary Hearings – In-person (limited occupancy of 10) as ordered by the Judge
- In-Custody Initial Appearances – Video
- In-Custody DV Arraignments – Video
- In-Custody Pre-trial Conferences – Video
- Arraignments -Telephonic/Zoom

- Pretrial Conferences, Case Management Conferences and Orders to Show Cause – Telephonic/Zoom
- Change of Plea – Telephonic or Zoom or in-person (limited occupancy of 10) as ordered by the Judge
- Evidentiary Hearings – Zoom or in-person (limited occupancy of 10) as ordered by the Judge
- Bench Trials – Zoom or in-person (limited occupancy of 10) as ordered by the Judge
- Review Hearings – Telephonic/Zoom unless ordered by a Judge.

IT IS ORDERED that telephonic pleas will follow Rule 17.1(f) of the Rules of Criminal Procedure except the 100-mile distance requirement which is suspended through December 31, 2020 pursuant to the Supreme Court Administrative Order 2020-143.

IT IS ORDERED that pursuant to Rule 1.5 of the Rules of Criminal Procedure all other change of pleas will be held utilizing the Zoom platform. Identification will be established under oath using a State issued Identification submitted to the court and viewed on Zoom. The Court will also establish under oath that the signature on the submitted plea is that of the defendant.

IT IS ORDERED where changes of plea requiring a fingerprint pursuant to A.R.S. § 13-607 is required parties shall utilize the Fingerprint Order Certification Form as modified on June 15, 2020 on the first floor of Pima County Justice Court. They will be required to submit proof to the Court of a State issued identification card with a photo ID. The fingerprint will be obtained by an authorized person, who shall be a certified court security officer. This authorized person shall include identifying information on the fingerprint order form from their identification card, and their signature certifying that they confirmed identification of the defendant prior to signing the document.

IT IS FURTHER ORDERED that regardless of when the fingerprint was obtained it SHALL have the same effect as if the fingerprint was taken at the time of sentencing under A.R.S. §13-607(c)(8) pursuant to the authority granted to the Superior Court Presiding Judge in Supreme Court 2020-143.

2. CIVIL TRAFFIC:
 - Arraignments – Telephonic/Zoom
 - Walk In's – Telephonic/Zoom
 - Hearings – Telephonic/Zoom

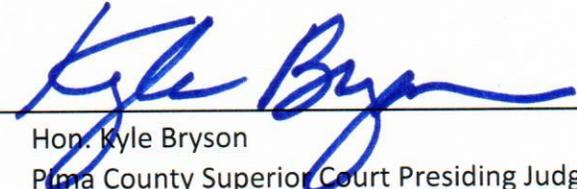
3. CIVIL:
 - Evictions – Telephonic/ Zoom / or in-person if technology is unavailable (limited to occupancy of 10) as ordered by the Judge
 - Protective Orders (Ex parte & Contested) – Telephonic / Zoom or in-person, if ordered by the Judge.
 - Small Claims – Telephonic/Zoom
 - Regular Civil – Telephonic / Zoom

4. SPECIALTY COURTS:
 - All specialty court hearings shall be conducted via Zoom, Video, or Telephonic.

IT IS FURTHER ORDERED: that any other court matter not listed herein, is deemed continued, unless deemed necessary, by the Court, in the interest of justice. Parties will be notified of a new court date by mail or may check the Court's website at www.jp.pima.gov

IT IS FURTHER ORDERED: Civil filings, criminal and civil motions, filing fees will be accepted at the courthouse on the main lobby or second floor customer service windows on a limited basis (no more than 10 customers.) Fine payments can be made online, by telephone or by mail. The Court's online services will remain fully operational.

Dated this 28th day of August 2020.



Hon. Kyle Bryson
Pima County Superior Court Presiding Judge

CC: All Justices of the Peace in the Pima County Consolidated Court
Kent Batty, Interim Court Administrator
Elvia Carino Interim Deputy Court Administrator