

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA**

IN THE MATTER OF LIMITING )  
GUADALUPE TOWN COURT )  
OPERATIONS DURING A PUBLIC )  
HEALTH EMERGENCY )  
\_\_\_\_\_ )

ADMINISTRATIVE ORDER  
No. 2020 -042

Due to concern for the spread of COVID-19 in the general population, the Governor of the State of Arizona has declared a statewide public health emergency. Accordingly, the Chief Justice of the Supreme Court of the State of Arizona has issued Administrative Order No. 2020-48 addressing 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. 2020-48 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 court rooms under conditions that protect the health and safety of participants and the public. This includes limiting in-person courtroom contact, following the social distancing recommendations of the Center for Disease Control, and limiting the number of persons present in a courtroom.

Given the current emergency, and in the interest of public safety, certain limitations and changes in court practices are necessary including the elimination of as many in-person proceedings as possible in the Guadalupe Town Court to the greatest extent possible consistent with core constitutional rights.

**THEREFORE**, pursuant to Supreme Court Administrative Order No. 2020-48 and Supreme Court Administrative Order No. 2019-87 **THE FOLLOWING IS ORDERED FOR THE GUADALUPE TOWN COURT:**

**GENERAL DIRECTION**

1. All persons with scheduled appearances are required to notify the Court of any COVID-19 symptoms (fever, cough, shortness of breath) or a seasonal cold or flu and are expected to stay at home. Court staff can be reached at (480) 505-5378. The Court will extend the hearing date and time for your proceeding for an appropriate time, depending on availability, and will mail you a notice of that new date and time at the last known address that you have on file. You will not need to come to court if sick.
2. For all parties appearing in Court, please follow hygiene and social distancing recommendations as issued through the World Health Organization (WHO) and the Center for Disease Control and stay at least six feet apart. The Court has ample seating room. Staff will assist the public in this direction.

3. Court staff shall not set more than ten matters for the same time under any condition and ensure that at least ten minutes are given between matters that are summary in nature (criminal arraignments). At no time shall more than ten people be permitted in the courtroom and ten people in the lobby.
4. All non-essential functions currently scheduled to be conducted in the Court are cancelled until further notice.
5. The current circumstances of a pandemic and national and state emergency require fluidity in how the court addresses the changing landscape of its docket and the needs of the state and public alike. While timeframes are stated below for rescheduling of matters and estimated days for continuances in certain case types are provided, those timeframes are fully expected to change as circumstances and the national and state emergencies evolve. The Court will make every effort that it can to be as efficient with case time frames, and to provide notice of those changes to the parties but the parties are required and expected to keep their contact information current with the Court for this purpose.

## **CIVIL CASES**

6. All civil matters except trials that are currently scheduled on and prior to April 17, 2020 are rescheduled to a time after April 17, 2020, as will be designated by the Court through written notice mailed to the last known address for the parties to the action. Rescheduled hearings may be set for telephonic appearances at an appropriate time on the Court's calendar depending on the nature of the evolving national and state emergencies. Civil trials will be continued for a least sixty (60) days or later to an appropriate time on the Court's calendar.
7. When appropriate, the Court will provide the parties with written instructions for arranging for a telephonic hearing. The Court has recently entered a contract to establish a bridge line and is waiting for the bridge line to be activated. The bridge line is expected to be activated in the next couple of days. Parties are requested to contact the Court and provide their best telephone contact number for a two-hour block of time surrounding their hearing time. Any objections to a telephonic appearance will be noted and may, if in the balance of the interests of justice and judicial economy, require a resetting of the court hearing to a time when the Court, in its discretion, believes it can safely and timely accommodate the appearance and presentations.

## **PROTECTIVE ORDERS**

8. Protective Order matters, both ex parte issuance hearings and trials, shall proceed as normal provided that telephonic hearings will be utilized where feasible. Plaintiffs are encouraged to complete all paperwork at [azpoint.azcourts.gov](http://azpoint.azcourts.gov).
9. In addition, because the Court anticipates that it will be shutting down completely and entering into an Intergovernmental Agreement with another city in July 2020 to handle its cases, petitioners are encouraged to seek protective orders from another municipal, justice or superior court in Maricopa County.

## **CRIMINAL CASES**

10. All in-custody defendants will be seen within 24 hours at the Superior Court Initial Appearance Center for an initial appearance hearing as is the current practice and all in-custody defendants held on bond will be seen according to the Rules of Criminal Procedure time-lines. If an in-custody defendant requests a non-jury trial be set, it will be set during this time period preserving victim's rights and those of the defendants.
11. Time may not be excluded for persons held in-custody for initial appearances, arraignments, preliminary hearings, and conditions of release pursuant to Administrative Order 2020-048.
12. All out-of-custody criminal arraignments, criminal pretrial conferences, sentencings, and post-conviction hearings scheduled on or before April 17, 2020, will be scheduled to an appropriate date after April 17, 2020. Any defendant in those matters who believes that he or she has signs of COVID-19 (fever, cough, shortness of breath) or signs of a seasons cold or flu should call their counsel of record and relay that information. Counsel should then move the Court for a continuance. For those defendants who do not have counsel, they should call the court directly, relay that information, and the Court will reschedule their hearing for an appropriate time in observance of the conditions present and the Defendants rights to due process of law. Defendants may request to be arraigned telephonically.
13. For criminal bench trials, the Court will continue those already scheduled on or before April 17, 2020 either by stipulation of the State and Defendant or for good cause shown, and only for thirty (30) days or the next available trial date, whichever is later. Jury trials scheduled over the next month are continued for a least thirty days for a new status conference, and notice of that continuance and new release order will be sent to the parties of record. Any jurors summonsed for jury duty during this period to April 17, 2020, are excused from that duty.

14. During the period of this pandemic and national and state emergencies, there is good cause for the delay of criminal proceedings out of necessity and such delay is indispensable to the interests of justice, therefore time is excluded or tolled for the purpose of calculating time under Rules 8 and 27, Arizona Rules of Criminal Procedure.
15. During the length of this Order, only counsel, the defendant, victim(s), subpoenaed witnesses and witnesses relevant and integral to the presentation of evidence for the trial should appear at Court, provided they do not have COVID-19, signs or symptoms thereof, or signs or symptoms of the flu or cold. Media can be present with the permission of the Court but should contact the Court prior to the hearing so social distancing practices can be followed. Over the next 60 days, any party that wishes to bring more than five people to a court matter must first notice the Court in writing and illustrate the basis for such need.

**IT IS FURTHER ENCOURAGED** that all parties continue to work towards the resolution and settlement of the cases subject to this Order.

Dated this 23<sup>rd</sup> day of March, 2020

/s/ Joseph C. Welty  
Hon. Joseph C. Welty  
Presiding Judge  
Presiding Judge in Guadalupe Town  
Court

Original: Clerk of the Superior Court

Copies: Raymond Billotte, Judicial Branch Administrator  
Karen Westover, Deputy Court Administrator  
Jessica Swanson, Guadalupe Court Administrator  
Jeff Kulaga, Guadalupe City Manager  
David Ledyard, City Attorney and City Prosecutor  
Matter Marnier, Public Defender  
Guadalupe Judge *Pro Tempores*