

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

IN THE MATTER OF COMPETENCY
PROCEEDINGS IN CRIMINAL MATTERS
IN THE PEORIA MUNICIPAL COURT

ADMINISTRATIVE ORDER
No. 2025-102

Arizona Revised Statutes § 13-4503 grants the presiding judge in each county the authority to authorize a municipal court or justice court to exercise jurisdiction over competency hearings in misdemeanor cases that arise out of the municipal court or justice court. Rule 11(d)(2) of the Arizona Rules of Criminal Procedure further states that a limited jurisdiction court may hear competency matters in misdemeanor cases arising in the municipal court if the presiding judge of the superior court in the county has issued an administrative order authorizing the municipal court to do so.

Peoria Municipal Court has requested authority to conduct its own Rule 11 proceedings in misdemeanor cases arising in its jurisdiction and has submitted a proposed procedure of how the proceedings will be conducted.

IT IS THEREFORE ORDERED that Peoria Municipal Court shall exercise jurisdiction over competency hearings in misdemeanor cases that arise out of its court in compliance with the policies and procedures set forth below as Appendix “A”.

IT IS FURTHER ORDERED that beginning on October 1, 2025, Peoria Municipal Court shall:

1. Conduct Rule 11 proceedings in compliance with the policies and procedures approved by the Presiding Judge and attached to this Order.
2. Ensure an accurate and complete recording of all Rule 11 courtroom proceedings is taken and maintained in accordance with applicable retention schedules. This includes completion of all automation tasks to ensure the local case management system is properly configured for docketing and retaining case records.
3. Establish a process approved by the Presiding Judge for the issuance, filing, and distribution of minute entries and orders, and for the handling of evaluations and medical reports as required by law and court rule.
4. Appoint mental health experts who meet the requirements set by statute and rule, and who are appointed pursuant to statutory and local procurement requirements.
5. Transmit necessary findings to the Administrative Office of the Courts for the Department of Public Safety for firearm background checks as required by state and federal law.

6. Pay any costs associated with holding Rule 11 competency proceedings as dictated by applicable statute, rule, or local practice at their court.
7. In accordance with A.R.S. § 13-4508, and Arizona Supreme Court Rule 123, judges shall take all necessary steps to ensure the confidentiality of Rule 11 evaluations and ensure that those records are to be treated as confidential records by all who have access to them, including attorneys. Judges who conduct Rule 11 proceedings shall have the authority to order the unsealing of past Rule 11 evaluations for the limited purposes of the Rule 11 proceedings held in their court.
8. The Superior Court and the Clerk of the Superior Court shall ensure that when Peoria Municipal Court conducts Rule 11 competency proceedings, Peoria Municipal Court has access to any records necessary to conduct the proceeding, including past Rule 11 evaluations in the Superior Court.
9. Peoria Municipal Court shall provide to a requesting court access to any records necessary to conduct Rule 11 proceedings in that court if the requesting court is authorized to conduct Rule 11 proceedings.

IT IS FURTHER ORDERED if Peoria Municipal Court wishes to either refer competency hearings to another court authorized to conduct Rule 11 hearings pursuant to A.R.S. § 13-4503(F), or conduct Rule 11 competency hearings for another court, it shall not do so without obtaining prior approval from the Presiding Judge of the Superior Court of Arizona in Maricopa County.

IT IS FURTHER ORDERED the Presiding Judge may revoke the Peoria Municipal Court authorization to conduct or refer Rule 11 competency proceedings if the Presiding Judge determines that the court fails to comply with the conditions of this Order or any subsequent related order.

Dated this 9 day of July, 2025.

 /s/ Pamela Sue Gates
Hon. Pamela Sue Gates
Presiding Judge

Original: Clerk of the Superior Court

Copies: Hon. Danielle Viola, Associate Presiding Judge
Hon. Jennifer Green, Criminal Presiding Judge
Hon. John Tatz, Peoria Municipal Court Presiding Judge
Raymond Billotte Judicial Branch Administrator
Bob James, Deputy Court Administrator
Nicole Garcia, Criminal Department Administrator
Karen Sadler, Limited Jurisdiction Court Liaison
Sandra Garcia, Peoria Municipal Court Administrator

APPENDIX “A”
PEORIA MUNICIPAL COURT RULE 11 PROCEDURE

Effective Date: This procedure is for cases referred to Rule 11 Court under the jurisdiction of the Peoria Municipal Court effective as of October 1, 2025.

Rule 11 Staffing

Court Program Coordinator: Court Administrator

Rule 11 Specialists: Court Administrator and two (2) Court Supervisors (Specialized training was provided to Rule 11 Specialists by the Superior Court and Clerk of Court regarding the handling of medical reports.)

Additional Rule 11 Staffing: Six (6) Lead Judicial Assistants

Rule 11 Medical Experts: Two (2) contracted mental health experts who meet the requirements set by statute and rule.

Public Defender Procedures

1. After meeting with the defendant, the public defender makes a determination whether to pursue Rule 11 proceedings.
2. The public defender files a motion for Rule 11 if the public defender determines the defendant needs to proceed with a competency evaluation.

Private Counsel Files Rule 11

1. The case should be transferred for a Rule 11 procedure. The Court Program Coordinator (CPC) and Rule 11 Specialists (R11S) should receive the file.
2. The R11S schedule the doctor's appointments, hearing and update appropriate information in AJACS.

Rule 11 Specialist (R11S) Procedures

1. Prior to the Rule 11 Hearing
 - a. Research prior Rule 11 or pending mental health cases. R11S or CPC researches defendant in iCIS (integrated Criminal Justice Information System).
 - i. If there is a prior Rule 11 doctor's report, the R11S or CPC notifies the Judge. The Judge must retrieve report from iCIS as the only authorized user with access and send the report to the Rule 11 Public Defender.

- ii. R11S or CPC obtains the doctor's report received from MCRule11@superiorcourt.maricopa.gov and securely uploads and restricts the report to AJACS case. Any doctor's reports are transmitted primarily by the Rule 11 staffing to the Public Defender and prosecutor.
- b. R11S sends an email to Mercy Maricopa Clinical Court Liaison to verify seriously mentally ill status and current clinic and case manager information.
- c. R11S prepares a Minute Entry and Competency Hearing Date including appropriate endorsements.
- d. R11S and Public Defender coordinate the scheduling of doctors and defendants in a room at Peoria Municipal Court.
- e. R11S
 - i. Enters information into the Peoria Municipal Court shared tracking calendar accessible to authorized staff.
 - ii. Enters case information including case number, defendant's name, doctor's name, date, time and courtroom location of the evaluation.
- 2. If defendant fails to appear for doctor's evaluation, R11S coordinate rescheduling the defendant for the doctor's evaluation at Peoria Municipal Court.
- 3. Doctor submits reports to peoriacourtdocuments@courts.az.gov. Email automatically distributes to: Rule 11 staffing.
- 4. Doctor's report is sent as an encrypted file to the Public Defender and prosecutor primarily by Rule 11 staffing
- 5. If doctor indicates defendant is danger to self or others or persistent or acutely disabled or has a grave disability, the doctor may recommend a Court Ordered Evaluation or appointment of Guardian Ad Litem.
 - a. Public Defender may request appointment of Guardian Ad Litem ("GAL").
 - b. CPC contacts Office of Public Defense Services to obtain the name of the GAL.
 - c. GAL may submit report or appear in person advising the Court of their intent to file appropriate proceedings in Superior Court.

6. Judge reviews reports and Rule 11 staffing prepares appropriate minute entry order.
7. At the next pre-trial hearing:

Rule 11 staffing or other designated person initiates the recordings of the proceedings.

 - a. Discussion occurs between judge, prosecutor and Rule 11 public defender.
 - b. The attorneys stipulate to the doctor(s) reports.
 - c. The judge accepts the stipulation.
8. If the defendant fails to appear: A warrant shall be ordered by the Presiding Judge and issued.
9. If the judge finds the defendant competent: The case is reset for the next appropriate matter in a regular criminal courtroom
10. If the defendant is found incompetent:
 - a. The prosecutor may motion restoration.
 - b. The prosecutor may move to dismiss the charges against defendant.
 - c. If defense counsel does not object the case is dismissed.
11. Rule 11 staffing delivers a copy of the order to:
 - a. Prosecutor
 - b. Rule 11 public defender
 - c. Defendant
12. Rule 11 staffing updates DPS fingerprint disposition report if defendant found incompetent:
 - a. Go to ADRS and report the "NC" disposition and sentence electronically.
 - b. Complete the FDR form and attach the completed form to the ARREST RECORD FILED
 - c. Docket with comments noting FDR completed and reported on dd/mm/yr.
13. To allow for the Superior Court of Arizona in Maricopa County to access misdemeanor Rule 11 records originating from the Peoria Municipal Court, Peoria Municipal Court agrees to send all misdemeanor Rule 11 records to MCRule11@superiorcourt.maricopa.gov.