

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

IN THE MATTER OF RESUMING  
CERTAIN IN-PERSON PROCEEDINGS  
IN THE CRIMINAL DEPARTMENT

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ADMINISTRATIVE ORDER  
No. 2020-115

Modifying Administrative Orders Nos.  
2020-98, 2020-78, and 2020-079

In June 2020 new cases of COVID-19 in Maricopa County increased from 187 new cases a day to 3,857 cases a day, and hospitalizations rapidly increased with ICU beds reaching 89% capacity. In response, the Court issued Administrative order 2020-98 which suspended all new jury trials in Maricopa County from July 1<sup>st</sup> through July 31<sup>st</sup>, 2020 and limited in-person operations in the Criminal Department. The measures were taken to mitigate risk of infection to the public, court staff and court participants by limiting foot traffic in the courthouse. Since the time of that order, new COVID-19 cases have leveled off at almost one-half of their peak and hospitalization rates have dropped steadily. The Maricopa County jail system has an inmate population of 4701, the clear majority of which are pre-trial detainees. A portion of those inmates have movement restrictions because of the virus in the jail, but approximately 60% can be safely transported to court.

The need for limiting physical access to court facilities during the COVID-19 epidemic continues. However, the Superior Court has put in place numerous protocols to help ensure the safety of the public including the requirement that all persons in court facilities wear face coverings, and the implementation of a health screening that includes temperature checks for the public and all employees entering any court building. The Court has also adopted audio and video platforms to provide remote court appearances which reduces the risks associated with crowded courtrooms. Based upon the steps the Court has taken, the reduced infection rate in the community and the importance of moving these matters forward for the defendant and any listed victim, beginning August 3, 2020, the Court will expand the operations of the Criminal Department of the Superior Court as follows:

**IT IS ORDERED** that all initial appearances will proceed by audio or video appearance (in the case of in-custody initial appearances, the judicial officer will appear virtually; defendants will appear in person).

**IT IS FURTHER ORDERED** all in-custody Early Disposition Court (“EDC”) status conferences will proceed in-person. All out of custody EDC status conferences will proceed by audio or video appearance.

**IT IS FURTHER ORDERED** that the regular empanelment of grand juries and all grand jury operations may resume on August 3, 2020.

**IT IS FURTHER ORDERED** that all preliminary hearings will proceed in-person unless otherwise directed by the court. Efforts should be taken to minimize the number of individuals called to testify at a preliminary hearing.

**IT IS FURTHER ORDERED** that all release hearings for defendants held non-bailable will proceed in-person unless otherwise directed by the court.

**IT IS FURTHER ORDERED** that Rule 14 of the Arizona Rules of Criminal Procedure continues to not apply to superior court cases in this county. Arraignments will be held for indicted defendants in-person or by audio or video appearance, as directed by the court. For defendants charged by information, arraignments will be held directly after the finding of probable cause.

**IT IS FURTHER ORDERED** that in custody changes of plea will proceed in-person, absent agreement of the parties and approval of the court. All out of custody changes of plea will proceed by audio or video appearance, unless the acceptance of the plea will result in an out of custody defendant being taken into custody pursuant to Rule 7.2, Arizona Rule of Criminal Procedure. Changes of plea will be scheduled on a time-certain basis.

**IT IS FURTHER ORDERED** that sentencings will proceed in-person, absent agreement of the parties and approval of the court. Sentencings will be scheduled on a time-certain basis.

**IT IS FURTHER ORDERED** that evidentiary hearings for in-custody defendants will proceed in person. Evidentiary hearings for out of custody defendants will be presumptively done through audio or video appearance but may be held in-person or as a combination of audio or video and in-person at the discretion of the judge conducting the hearing. Evidentiary hearings will be scheduled on a time-certain basis.

**IT IS FURTHER ORDERED** that all probation violation hearings and probation disposition hearings will proceed in-person unless otherwise ordered by the court. Probation violation hearings and probation disposition hearings will be scheduled on a time-certain basis.

**IT IS FURTHER ORDERED** that all fugitive from justice hearings will proceed in-person unless otherwise ordered by the court.

**IT IS FURTHER ORDERED** all Arizona Rules of Criminal Procedure Rule 11 evidentiary hearings, including *Sell* hearings, will proceed in-person or by audio or video appearance, or as a combination thereof, as directed by the court.

**IT IS FURTHER ORDERED** that bond forfeiture hearings for in-custody defendants will proceed in-person. Bond forfeiture hearings for out of custody defendants will proceed as audio or video appearances. Bond forfeiture hearings will be scheduled on a time-certain basis.

**IT IS FURTHER ORDERED** that Final Trial Management Conferences will proceed in person for in custody defendants and by audio or video appearance for out of custody defendants.

**IT IS FURTHER ORDERED** the following court calendars remain suspended until further notice: Mental Health Court, Veterans' Court, Domestic Violence Court, Drug Court, post-sentencing DUI Court, Spanish DUI Court, Restitution Court, and Juvenile Transferred Offender Program Court (JTOP).

**IT IS FURTHER ORDERED** out of custody settlement conferences may proceed as audio or video proceedings as directed by the court only after meeting specified criteria. In custody in-person settlement conferences may proceed only after meeting specified criteria.

**IT IS FURTHER ORDERED** that any request to conduct a matter as an in-person proceeding that is not otherwise authorized to proceed in that manner 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](mailto:crimalemergencies@jbazmc.maricopa.gov).

Dated this 30<sup>th</sup> day of July, 2020

/s/ Joseph C. Welty  
Hon. Joseph C. Welty  
Presiding Judge

Original: Clerk of the Superior Court

Copies: All Superior Court Judges  
All Superior Court Commissioners  
Hon. Jeff Fine, Clerk of the Superior Court  
Hon. Mark Brnovich, Arizona Attorney General  
Hon. Allister Adel, Maricopa County Attorney  
Sheriff Paul Penzone, Maricopa County Sheriff  
Christina Phillis, Office of Public Defense Services  
Dave Byers, Administrative Office of the Courts  
Raymond Billotte, Judicial Branch Administrator  
Bob James, Deputy Court Administrator  
Shawn Friend, Deputy Court Administrator  
Karen Westover, Regional Courts Administrator  
Shawn Haught, Criminal Department Administrator  
Sean Gibbs, Director of Security