

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

IN THE MATTER OF CRIMINAL	)	ADMINISTRATIVE ORDER
COMPLEX & CAPITAL CASE	)	No. 2007-023
DESIGNATION & MANAGEMENT	)	(Replaces No. 2002-112)
_____	)	

The Arizona Supreme Court has set time limits for complex and capital criminal processing under Rule 8.2, Arizona Rules of Criminal Procedure. Complex cases include (1) all First Degree Murder cases, (2) all cases that will require the court to consider evidence obtained as the result of an order permitting the interception of wire, electronic or oral communication, and (3) any case that the court, in a written factual finding, designates as complex.

All cases filed on and after December 1, 2005, that are determined to be complex shall be tried within 270 days from arraignment. Rule 8.2(a)(3).

All capital murder cases shall be tried within 18 months from arraignment. Rule 8.2(a)(4).

The just and speedy processing of complex and capital criminal cases requires a uniform and active case management policy. The following procedures shall be followed by the Arizona Superior Court in Maricopa County for the designation and management of complex and capital criminal cases.

**IT IS ORDERED:**

1. All pending Capital cases shall be managed by the assigned trial judge pursuant to this Complex and Capital Case Management Plan.

2. All cases filed on or after December 1, 2002, non-capital criminal cases designated "complex" pursuant to Rule 8.2(a)(3) shall be managed by the assigned trial judge pursuant to this Complex and Capital Case Management Plan.

**3. Complex Case Designation:**

All First Degree Murder cases will be automatically designated as complex by Court Administration at the time of arraignment, pursuant to Rule 8.2(a)(3).

In all other criminal cases that any party wishes to be designated as complex, a detailed written Motion for Complex Case Designation shall be filed with the assigned trial judge no later than 60 days from arraignment. The motion

shall be accompanied by a proposed form of order setting forth the factual findings supporting designating the case as complex.

Factors to be considered in determining if a case should be designated as complex include, but are not limited to, the following:

- a. Number of defendants;
- b. Number of counts;
- c. Nature of charges;
- d. Number of witnesses/victims to be called;
- e. Expert witnesses -- number, nature of testimony, etc.;
- f. Out-of-town witnesses;
- g. Number of exhibits;
- h. Nature of exhibits;
- i. Defendant's pro se status;
- j. Complex legal issues.

A minute entry similar to the attached Complex Case Designation & Case Management Order (attachment "A") shall be issued when a case is designated as complex.

Any Motion for Complex Case Designation that is filed more than 60 days from the date of arraignment shall be forwarded by the assigned trial judge to the Presiding Criminal Judge or his/her designee for ruling. Any such motion must include an explanation as to why the complex nature of the case was not known within 60 days of the arraignment.

#### 4. First Scheduling Conference:

The assigned trial judge shall conduct or set a Scheduling Conference as soon as possible but no later than 60 days after designating the case as complex. At this Scheduling Conference, the judge will meet with the lawyers who will try the case. The defendant(s) shall also be present. The trial date shall be set within 270 days of arraignment (18 months if a capital case). The trial judge shall schedule regular Case Management Conferences and a Settlement Conference, and schedule a Final Trial Management Conference within one week before trial. A minute entry similar to the attached Trial Date Setting & Complex Case Management Schedule (attachment "B") shall be issued at the first Scheduling Conference.

#### 5. Case Management Conferences:

Upon designation of a case as complex, the assigned trial judge shall schedule and conduct regular Case Management Conferences, every 30 to 45 days, and shall order the plaintiff and defendant(s) to file a Joint Case Management Report at least 2 working days before each conference.

The court will set forth in writing at each Case Management Conference the activities to be completed before the next Case Management Conference.

6. Continuances:

Upon a showing of extraordinary circumstances, the assigned trial judge may continue the trial date to any date within 270 calendar days from arraignment in a non-capital complex case or 18 calendar months from arraignment in a capital case.

Any request or Motion to Continue the trial date beyond 270 calendar days from arraignment in a non-capital complex case or 18 calendar months from arraignment in a capital case must be in writing and clearly state in the caption that the request is for a continuance beyond the 270 calendar-day or 18 calendar-month time limits. The assigned trial judge shall immediately forward any such Motion to Continue to the Presiding Criminal Judge or his/her designee for ruling.

If a continuance is granted, a minute entry shall contain the following:

- a. A statement of the specific extraordinary circumstances found by the trial judge to justify the continuance;
- b. The party who requested the continuance;
- c. A statement whether the opposing party opposed the continuance, stipulated to the continuance or took no position on the request for continuance.
- d. If the continuance is on the court's own motion, a statement whether any of the parties opposed the continuance, agreed to the continuance or took no position on the continuance.

7. Reporting and Compliance:

The presiding criminal judge shall regularly review and report to the Presiding Judge and Bench on the number and status of all pending complex cases, and take any action needed to insure that there is timely and uniform compliance with this Administrative Order.

DATED this 23<sup>rd</sup> day of February, 2007.

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Barbara Rodriguez Mundell  
Presiding Judge

Original: Clerk of the Superior Court

Copies: Hon. Ruth V. McGregor, Chief Justice, Arizona Supreme Court  
Hon. James H. Keppel, Criminal Presiding Judge  
Hon. Anna Baca, Criminal Presiding Judge Designate  
Michael K. Jeanes, Clerk of the Superior Court  
Andrew Thomas, County Attorney  
Terry Goddard, Attorney General  
James Haas, Public Defender  
Robert S. Briney, Legal Defender  
James Logan, Legal Advocate  
Mark Kennedy, Office of Contract Counsel  
Marcus Reinkensmeyer, Judicial Branch Administrator  
Bob James, Criminal Court Administrator

**COMPLEX CASE DESIGNATION  
&  
CASE MANAGEMENT ORDER**

**COMPLEX CASE:**

IT IS ORDERED granting the (state/defendant) Motion for Complex Case Designation for the following reasons:

\_\_\_\_\_ First Degree Murder (Capital/Non-capital)

\_\_\_\_\_ Wiretap evidence to be used

\_\_\_\_\_ Other (detail below):

**SCHEDULING CONFERENCE & JOINT CASE MANAGEMENT PLAN:**

IT IS FURTHER ORDERED setting a Scheduling Conference for \_\_\_\_\_, 200\_\_ at \_\_\_\_\_ am/pm (\_\_\_ minutes).

No less than two working days before the first Scheduling Conference, the state and defendant(s) shall file a Joint Case Management Plan expressly addressing the following issues:

1. Proposed trial date;
2. Length of trial and number of witnesses;
3. Final Trial Management Conference date;
4. Brief summary of alleged facts;
5. Discovery production schedule;
6. Witness interview schedule;
7. List of motions needing evidentiary hearing (length of hearing);
8. Schedule for filing motions, responses and replies;
9. Schedule for Motions in Limine;
10. Expert witness issues (dates for defense to disclose experts and opinions, if different date than called for in Rule 15);
11. Special investigative needs;
12. General status of plea negotiations.

13. Plea cut-off date;
14. Settlement conference date;
15. Interpreter needs;
16. Schedule of regular Case Management Conferences.

At the Scheduling Conference, the court will set a Trial Date and Case Management Conference schedule. Case Management Conferences will be set every 30 to 45 days.

The lawyers who will try the case and the defendant(s) shall attend each Case Management Conference. The purpose of the Case Management Conference will be to review pretrial preparation to date, resolve issues, and schedule activities to be accomplished before the next Case Management Conference.

#### **JOINT CASE MANAGEMENT REPORTS:**

No less than two working days before each Case Management Conference, the parties shall submit a Joint Case Management Report. This report will inform the court of:

1. The specific progress made since the last Case Management Conference in completing activities previously established by the court and the parties;
2. Specific case preparation to be completed before the next Case Management Conference;
3. Witnesses who have been interviewed in the preceding month;
4. Witnesses who will be interviewed in the upcoming month;
5. Pending issues to be resolved.

**TRIAL DATE SETTING  
&  
COMPLEX and CAPITAL CASE MANAGEMENT SCHEDULE  
(to be issued at the first Scheduling Conference)**

**TRIAL DATE:**

IT IS ORDERED setting the trial for \_\_\_\_\_, 200\_\_ at \_\_\_\_ (\_\_\_ trial days).

**[Time Limits: 270 days in a non-capital case  
and 18 months in a capital case]**

**[ANY REQUEST FOR CONTINUANCE BEYOND 270 CALENDAR  
DAYS IN A NON-CAPITAL COMPLEX CASE OR 18 CALENDAR MONTHS IN  
A CAPITAL CASE MUST BE FORWARDED TO THE PRESIDING CRIMINAL  
JUDGE OR HIS/HER DESIGNEE FOR RULING]**

**CASE MANAGEMENT CONFERENCES:**

IT IS FURTHER ORDERED setting regular Case Management Conferences, every 30 to 45 days, as follows:

1. \_\_\_\_\_, 200\_\_, at \_\_\_\_ am/pm (\_\_\_ minutes)
2. \_\_\_\_\_, 200\_\_, at \_\_\_\_ am/pm (\_\_\_ minutes)
3. \_\_\_\_\_, 200\_\_, at \_\_\_\_ am/pm (\_\_\_ minutes)
4. \_\_\_\_\_, 200\_\_, at \_\_\_\_ am/pm (\_\_\_ minutes)
5. \_\_\_\_\_, 200\_\_, at \_\_\_\_ am/pm (\_\_\_ minutes)

The parties shall file a Joint Case Management Report, as described in the Complex Case Designation & Case Management Order, at least 2 working days before each Case Management Conference.

The following activities shall be completed before the next Case Management Conference of \_\_\_\_\_, 200\_\_:

1. \_\_\_\_\_.
2. \_\_\_\_\_.
3. \_\_\_\_\_.
4. \_\_\_\_\_.
5. \_\_\_\_\_.
6. \_\_\_\_\_.

7. \_\_\_\_\_.
8. \_\_\_\_\_.
9. \_\_\_\_\_.
10. \_\_\_\_\_.

**SETTLEMENT CONFERENCE:**

IT IS FURTHER ORDERED that the parties shall participate in a Settlement Conference before the Honorable \_\_\_\_\_, on \_\_\_\_\_200\_\_, at \_\_\_\_AM/PM, or before a judge to be later selected by counsel or assigned by the court.

**FINAL TRIAL MANAGEMENT CONFERENCE & JOINT PRETRIAL STATEMENT:**

IT IS FURTHER ORDERED setting the Final Trial Management Conference (FTMC) for \_\_\_\_\_, 200\_\_ at \_\_\_\_ am/pm. At least two working days before the FTMC, the parties shall file a Joint Pretrial Statement including the following information:

1. Charges & sentencing ranges (including any sentence enhancements alleged)

- 1.
- 2.
- 3.
- 4.

2. Settlement status (to be discussed with trial judge)

- Plea offer: \_\_\_\_\_
- Settlement Conference occurred (Y/N): \_\_\_\_\_
- Are Defendant & State willing to further discuss settlement?  
\_\_\_\_\_

3. Number of trial jurors and alternates: \_\_\_\_\_

4. List of witnesses to be called (attach)

5. Estimated trial days: \_\_\_\_\_

6. Brief statement of case to be read to jury (attach)

7. Special jury voir dire questions (attach)



8. List of Standard Jury Instructions, plus original and one copy of any Special Jury Instructions (attach)

9. Other issues: