



Superior Court of Arizona

Pinal County

MEMORANDUM

RE: Criminal Calendar Procedures during COVID 19 National Emergency

TO: Pinal County Public Defenders; Pinal County Criminal Contract Attorneys

From: Jason R. Holmberg, Criminal Presiding Judge

Date: March 27, 2020

Effective Immediately and applicable until April 26, 2020 unless and until updated or superseded as the coronavirus emergency evolves. Pursuant to Arizona Supreme Court Administrative Order 2020-48 and Pinal County Superior Court Administrative Order 2020-00025, all pretrial conferences and review hearings have been converted to non-appearance hearings. All criminal hearings on a regular law and motion calendar are being treated as non-appearance hearings unless a party has requested an appearance hearing. Remember that the jail will *not* transport inmates from the jail unless the Judicial Division has specifically directed the jail to do so. This can only happen if you have requested an appearance hearing.

Any request for an appearance hearing must be filed at least 3 business days before the hearing. For a non-appearance hearing, a Joint Pretrial Conference Statement (or, in the alternative, a motion to continue) must be filed at least 3 business days before the hearing. *The Court reserves the right to deny a request for an appearance hearing at its discretion.*

This means that for every case on the calendar, counsel should submit either: 1) a request for an appearance hearing, 2) a Joint Pretrial Conference Statement, or 3) a motion to continue. Any one of these items should be received by the division at least three (3) days before the hearing.

Pursuant to Pinal County Local Rule 2.2(f), a motion to continue should include opposing party's position on the motion or, in the absence of opposing party's position, attempts made by the movant to contact opposing party.

The Court intends to abide by the current CDC guidelines limiting gatherings in one room to no more than ten (10) individuals. The Court reserves the right to limit the number of individuals in the courtroom. Victims may appear telephonically, or via Skype, Facetime or WebEx if and when available.

In the interest of clarity, based on A02020-00025, hearings on regular criminal law and motion calendars may be non-appearance hearings, in-person appearance hearings, or telephonic appearance hearings, as explained below.

Non-Appearance Hearings/Continuances

All criminal matters are treated as non-appearance hearings unless a party has requested an appearance hearing, either in-person or telephonic.

Parties must file either a Joint Pretrial Conference Statement or a written Motion to Continue at least 3 business days before the hearing. Any request for a continuance must include the Defendant's position on Rule 8 time. Any request to set or change a trial date must also include an affidavit that the Defendant has been made aware of all future court dates.

Any request for a continuance must be made in writing, prior to the hearing. There should be no appearance hearings, whether telephonic or in-person, solely for the purpose of requesting a continuance.

In-Person Appearance Hearings

Defendants must be physically present for a Change of Plea, Imposition of Sentence, a Bail Eligibility Hearing, or a Release Hearing, and may be physically present for other types of hearings if the Court grants permission for good cause.

Parties must contact the Division to request an in-person appearance hearing at least 3 days before hearing, identifying the reason for the requested appearance hearing. Parties should only request an in-person appearance hearing if the parties reasonably expect the hearing to go forward. In-person appearances should not be used solely to give a status update regarding the case, identify issues set for review, or request a continuance.

Any request for a continuance must be made in writing, prior to the hearing. A status update may be provided in a Joint Pretrial Conference Statement or in the body of a motion to continue.

Telephonic Appearance Hearings

The Court will allow telephonic appearances when parties have good cause to request an appearance hearing in circumstances where a defendant's physical presence is not required.

Parties must contact the Division at least 3 days before the hearing to request a telephonic appearance hearing, identify the reason for the requested appearance hearing, and provide a landline telephone number for the proposed telephonic appearance. Telephonic appearances should not be used solely to give a status update regarding the case, identify issues set for review, or request a continuance.

Any request for a continuance must be made in writing, prior to the hearing. A status update may be provided in a Joint Pretrial Conference Statement or in the body of a motion to continue.