



The Salt River Pima-Maricopa Indian Community Court

10040 E. Osborn Road Scottsdale, Arizona 85256
(480) 362-6315

In the matter of:

**LIMITED COURT OPERATIONS DUE TO
THE CONTINUING PUBLIC HEALTH
EMERGENCY CAUSED BY THE
CORONAVIRUS**

**ADMINISTRATIVE
ORDER 20-0010**

FILED
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SALT RIVER PIMA-MARICOPA
INDIAN COMMUNITY COURT

This Administrative Order is issued to describe operations for the Salt River Pima-Maricopa Indian Community Court as it continues limited operations following the public health emergency related to the Coronavirus (COVID-19). The Community issued a Local Emergency Declaration and on-going guidance to departments regarding essential services for the period from March 20, 2020 to September 21, 2020. Consistent with directives from executive administration including the phased return to work guidelines and pursuant to section 4-31a(a)(viii) of the Code of Ordinances, the Court issues the following orders:

1. This administrative order supersedes Administrative Orders 20-0001, 20-0002, 20-0003, 20-0004, 20-0005, 20-0006, 20-0007, and 20-0009.
2. Because large public gatherings are discouraged by public health officials, it is not possible to seat juries or compel the attendance of counsel and witnesses. This may continue to be a challenge in the coming months. Therefore, in the interest of justice and pursuant to Rule 7.2(2) of the Rules of Criminal Procedure, all time frames from Friday, March 20, 2020 until a post arraignment hearing is conducted in each criminal matter are excluded for speedy trial right purposes.
3. All bench and jury trials that are scheduled to begin on or before the Community achieves the new normal standard for business operations, as outlined by Community guidelines, are continued pending further order of the Court. Any party seeking an exception from this order should submit an appropriate motion to the assigned judge.
4. For initial appearances and arraignments, including those for probation violations, in which the defendant is in custody, the defendant will continue to appear via video conferencing from the Department of Corrections or in the alternative his/her presence would be waived. This process will remain in place until the Community achieves the new normal standard for business operations, as outlined by Community guidelines. In the interest of justice and pursuant to Rule 7.2(2) of the Rules of Criminal Procedure, all time frames from Friday, March 20, 2020 until the Community achieves the new normal standard for business operations, as outlined by Community guidelines, are excluded for purposes of scheduling the arraignment as required by Rule 5.

Hearings in criminal matters and certain civil and emergency matters will be set according to the following schedule:

- Arraignments will take place at 9:00 a.m. Monday and Friday
- Hearings on petitions for temporary restraining orders, domestic violence orders of protections, and any emergency petition will take place at 9:30 a.m. Monday through Friday
- Juvenile detention hearings will take place every day at 10:00 a.m. as needed
- Initial appearances for adults will take place at 11:00 a.m. on Monday, Wednesday, and Friday only


Any defendant seeking an exception from this order should submit an appropriate motion to the assigned judge.

5. Judges are authorized to conduct ex parte hearings regarding orders of protection via telephone or other electronic means.
6. All time frames and personal service requirements pursuant to the Rules of Civil Procedure are excluded from Friday, March 20, 2020 until the Community achieves the new normal standard for business operations, as outlined by Community guidelines.
7. Hearings in civil traffic matters are continued until further order of the Court.
8. The Court will continue to operate on a limited schedule and will not hold hearings on the weekends with the exception of hearings for detained juveniles. During the months of June, July, August, and September 2020, all hearings will be scheduled to take place via telephone or video conference unless a motion is filed requesting in-person appearance and that motion is granted. Practitioners may file requests for in-person hearings only when such a hearing is necessary and in the interest of justice. The request must be submitted no less than 10 calendar days before the scheduled hearing and responses, if any, must be filed no less than 3 days before a scheduled hearing. The requests and responses must contain sufficient factual and case specific information and argument to allow a judge to rule without conducting a hearing.
9. Drug Court will remain suspended until further order of the Court. Participants will suffer no adverse consequences as a result of the suspension necessitated by the public health emergency.
10. All court ordered visits for Department of Corrections inmates and detainees are suspended for the duration of any Department of Corrections policy enacted pursuant to the Community's emergency declaration and subsequent guidelines related to the coronavirus.
11. The Court reserves the right to limit the number of people in the Courtroom including spectators and victims to comply with Community and/or Centers for Disease Control guidance.
12. Everyone entering the Court is required to obey the safety protocols posted at each Court entrance. Court staff are authorized to exclude anyone from the Court if they refuse to obey the safety protocols. Refusal to obey a posted safety protocol will not generally constitute good cause for failing to appear for a scheduled Court hearing or other Court related event or appointment. During Court hearings, a judge may authorize removal of a mask or face covering for purposes of witness testimony, identification, or other reason a judge deems appropriate provided that social distancing and other safety measures are in place.

13. All practitioners are required to inform their clients of this Administrative Order.

SO ORDERED this 8th day of September, 2020.

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Acting Presiding Judge Darayne Achin,
Salt River Pima-Maricopa Indian Community Court