

IN THE PRESCOTT VALLEY MUNICIPAL COURT
IN THE COUNTY OF YAVAPAI, IN AND FOR THE STATE OF ARIZONA

In the Matter of:)	
)	
ADOPTION AND IMPLEMENTATION)	Administrative Order
OF PRESUMPTIVE STANDARDS FOR)	No. 2022 - <u>02</u>
REMOTE AND IN-PERSON HEARINGS)	
FOR THE PRESCOTT VALLEY)	
MUNICIPAL COURT)	

In June 2021, the Arizona Supreme Court’s COVID-19 Continuity of Court Operations During a Public Health Emergency Workgroup (Plan B Workgroup) recommended best practices that should be retained or adapted post-pandemic, which included a recommendation that courts continue to use and expand technology to conduct remote court proceedings. In January 2022 the workgroup reconvened and issued a report, *Recommended Remote and In-Person Hearings in Arizona State Courts in the Post-Pandemic World* (“Report”) which includes as Appendix 1 recommendations regarding which hearing types should be held remotely and which should be held in person (“Presumptive Standards”).

On April 27, 2022, the Supreme Court issued Administrative Order No. 2022-46 adopting the Presumptive Standards as set forth in Appendix 1 of the Report and requires the presiding judge of the superior court in each county to issue an administrative order adopting standards for the justice of the peace courts in their county regarding which hearing types will be held remotely and which hearing types will be held in person. Administrative Order No. 2022-46 allows the presiding judge of the superior court to adapt the Presumptive Standards as necessary due to limitations in local court resources, bandwidth, technology hardware, software, and staffing or, for good cause, to meet unique needs in their respective counties.

Upon consultation with and approval from the presiding judge of the superior court in **Yavapai County**, pursuant to Supreme Court Administrative Order No. 2022-46,

IT IS ORDERED adopting the Chart attached hereto as the presumptive manner for holding hearings set on or after **October 1, 2022** in the **Prescott Valley Municipal Court**.

IT IS FURTHER ORDERED adapting the Presumptive Standards adopted by the Supreme Court for the following hearing types and reasons

- **Appearance/Arrestment/Initial (OUT OF CUSTODY)** – adaption due to (may include but not limited to) the interest of justice, interest of judicial economy, performance of fingerprinting, clarity of release conditions, preference of some persons with matters of the court, insufficiency of technology for some persons

with matters of the court, safety of listed victims and their relations when setting release conditions, respect for victim rights, sufficiency of identification, decorum of court proceedings, gravity of court orders, timeliness in adjudication of matters.

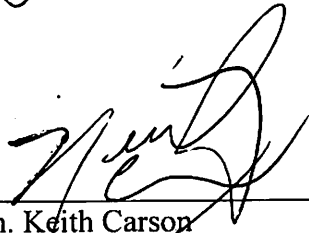
- **Change of Plea/Sentencing**-adaption due to (may include but not limited to) the interest of justice, interest of judicial economy, increased assurance of defendants understanding of proceeding, clarity in sentencing and probation requirements, insufficiency of technology for some persons with matters of the court, decorum of court proceedings, safety of victims and their relations when ordering no contact and do not return, gravity of court orders, timeliness in adjudication of matters, performance of fingerprinting.
The In-Person presumptive for change of plea/sentencing does not apply to Telephonic Pleas and Pleas by Mail pursuant to Rule 17.1, Arizona Rules of Criminal Procedure.
- **Settlement Conference**-adaption due to (may include but not limited to) the interest of justice, interest of judicial economy, clarity in proposals, increased assurance in defendants understanding of the matters before them, preference of some persons with matters of the court, decorum of court proceedings, insufficiency of technology for some persons with matters of the court, timeliness in adjudication of matters with the court.

IT IS FURTHER ORDERED that hearings in the **Prescott Valley Municipal Court** must be held in the presumptive manner, but a judge assigned to a case may make a hearing-specific deviation from the presumptive manner in which a hearing must be held if holding the hearing in the presumptive manner is not practical or otherwise not in the interest of justice. The court must provide notice to the parties when such an alternative is utilized.

IT IS FURTHER ORDERED that for any hearing scheduled to be conducted remotely, the individual charged with an offense may elect to attend the hearing in person.

IT IS FURTHER ORDERED that, notwithstanding the presumptive manner for holding hearings and the adaptations to the presumptive manner outlined in this Order, any hearing type, with the exception of criminal trials, may be conducted remotely upon the request of a party, good cause appearing, and consistent with the requirements of applicable rules.

Dated this 28th day of Sept, 2022.



Hon. Keith Carson
Presiding Judge, Prescott Valley Municipal Court

Appendix 1

Recommended Remote and In-Person Hearings in the Post-Pandemic World by Case Type and Hearing Types

Case Type	Hearing Type	Remote	In-Person
<i>Proceedings Under Arizona Rules of Protective Order Procedure</i>			
	Ex Parte Hearing	X	
	Contested Protective Order [Evidentiary] Hearing		X
	Other	X	
<i>Limited Jurisdiction Proceedings Involving Criminal Misdemeanor Charges; under the Rules of Court Procedure for Civil Traffic, Boating, Marijuana and Parking and Standing Violations (CTBMPSV) and Juvenile Hearing Officer Proceedings</i>			
<i>Criminal Misdemeanor</i>			
	Appearance/Arrest/Initial		X
	Pre-trial Motion – Non-witness	X	
	Pre-trial/Motion – Witness		X
	Change of Plea/Sentencing		X
	Pre-trial Conference	X	
	Order to Show Cause		X
	Case Management Conference/Trial Preparedness Conference	X	
	Settlement Conference		X
	Jury Trial		X
	Bench Trial		X
	Probation Violation Arrest	X	
	Probation Violation Hearing		X
	Probation Violation Disposition		X
	Other – Non-witness	X	
	Other – Witness		X
	Bond Forfeiture	X	
<i>CTBMPSV</i>			
	Arrest	X	
	Trial/Contested Hearing		X
	Photo Enforcement Hearing	X	
	Other (including ID Hearings, Local Ordinance, Parking)	X	
<i>Juvenile Hearing Officer Proceedings</i>		X	