

**IN THE COURT OF THE GILA RIVER INDIAN COMMUNITY
IN THE STATE OF ARIZONA**

In the Matter of:

SUSPENSION OF CERTAIN JURY
TRIALS FOR OCTOBER IN RESPONSE
TO THE CORONAVIRUS PANDEMIC

ADMINISTRATIVE ORDER
NO. 2021-05

The Governor of the Gila River Indian Community (Community) issued Comprehensive Executive Order No. 12 (Executive Order) regarding the coronavirus pandemic on August 6, 2021. The Executive Order declared there is a continuing public health state of emergency within the Community. Public gatherings of no more than fifteen (15) persons are prohibited by the Executive Order. Further, the Executive Order encourages all those persons not fully vaccinated to remain at home. The Executive Order remains in effect as of October 1, 2021.

The Centers for Disease Control and Prevention (CDC) states the level of transmission of the coronavirus in Arizona, including Maricopa and Pinal counties, is currently high, according to the CDC.¹

The Community continues to experience an increase in coronavirus cases. From August 23 to September 19, 519 new positive cases were reported.² The rate of fully vaccinated Community members is 49%.³

The Gila River Indian Community Court (Court) issued Administrative Order No. 2021-04 on August 13, 2021, suspending jury trials for out of custody defendants for August and September. Due to the continuing pandemic driven by the Delta Variant of the coronavirus, the Court finds it necessary to continue all but a limited number of jury trials for October.

The Court is cognizant of the rights of criminal defendants to a speedy and public trial under the Indian Civil Rights Act (25 U.S.C. § 1302), the Community's Constitution and Bylaws (Art. IV, Sec. 5) and the Gila River Indian Community Code § 5.104, Speedy Trial, and the particular application of those rights in cases involving defendants who are detained pending trial. Jury trials for criminal felony and misdemeanor cases where the defendant is in custody shall remain scheduled. Due to the low number of in custody defendants scheduled for jury trial, the Court can accommodate these trials through the implementation of protective protocols.

The Court finds that the ends of justice served by ordering the continuances outweighs the best interest of the public and any defendant's right to a speedy trial, pursuant to Gila River Indian

¹ <https://covid.cdc.gov/covid-data-tracker/#county-view>.

² https://www.gric-eoc.org/uploads/4/6/3/2/4632666/thd_covid_19_bi_monthly_report_09212021.pdf.

³ Ibid.

Community Code § 5.104(7). The time period of the continuances effected by this Order will be excluded under the speedy trial law.

THEREFORE, IT IS ORDERED that all criminal jury trials, except those specified in this Order, scheduled in October, are continued pending further order.

IT IS FURTHER ORDERED that all trials affected by this Order shall be vacated by the trial judge as soon as practical and notice sent to the parties. Trial judges shall schedule status conferences for all cases affected by this Order no later than the end of October.

IT IS FURTHER ORDERED that, due to the continuing public health emergency, the “ends of justice” findings and excludable time contained within this Order apply to all criminal cases continued by this Order. Issuing individual findings in each separate case would be redundant and unnecessary and a waste of judicial resources.

IT IS FURTHER ORDERED that criminal felony and misdemeanor cases where the defendant is in custody shall remain scheduled and shall be held with the appropriate protective protocols in place. The Court shall issue a separate Order detailing the protocols for such jury trials.

IT IS FURTHER ORDERED that trial judges presiding over criminal proceedings may take such actions consistent with this Order as may be lawful and appropriate to ensure fairness of the proceedings and preserve the rights of the parties.

IT IS FURTHER ORDERED that all jury trials scheduled in November and beyond shall be held unless the Court determines that further postponement is appropriate.

DATED this 1st day of October, 2021.

SEAL

/s/ Anthony J. Hill
Honorable Anthony J. Hill, Acting Chief Judge