

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

In the Matter of:

SUSPENSION OF CERTAIN COURT
HEARINGS FROM JANUARY 11, 2022 TO
JANUARY 28, 2022, IN RESPONSE TO
THE CORONAVIRUS PANDEMIC AND
75% REDUCTION IN WORK FORCE

ADMINISTRATIVE ORDER
NO. 2022-02

The Gila River Indian Community Court (Court) issued Administrative Order No. 2022-01 on January 7, 2022, suspending certain in-person hearings from January 10, 2022 to January 28, 2022, in response to the rise in Coronavirus cases and spread of the Omicron Variant.

Since the Court issued that Administrative Order, the Community has experienced a surge in Coronavirus cases. From December 20 to December 26, 2021, 76 new positive cases were reported.¹ From December 27, 2021 to January 2, 2022, 160 new positive cases were reported.² The number of positive cases climbed to 377 the week prior to January 9, 2022.

On January 10, 2022, the Community government transitioned to a 75% reduction in work force due to the “drastic increase of cases and expectation of continued increase.” The work force reduction is effective January 11, 2022 to January 29, 2022.

The Court recognizes that Court personnel and the public is at an increased risk of exposure to the Coronavirus since the Omicron Variant spreads more easily than the Delta Variant and can infect those who are vaccinated or not experiencing symptoms. Due to the characteristics of the Omicron Variant and the Community’s 75% reduction in work force, the Court must limit the number of hearings to only “essential hearings,” as defined by this Administrative Order.

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

IT IS ORDERED that all court hearings shall be continued (rescheduled) with the exception of those hearings deemed essential hearings under this Order. This Order affects hearings scheduled between January 11, 2022 and January 28, 2022.

¹ https://www.gric-eoc.org/uploads/4/6/3/2/4632666/covid-19_data_report_01_06_2022.pdf.

² *Ibid.*

IT IS FURTHER ORDERED that the following hearings are defined as essential hearings:

1. Adult Initial Hearings.
2. Adult Criminal Arraignments.
3. Preliminary Hearings.
4. Bail Hearings.
5. Changes of Plea Hearings for In-Custody Defendants who are eligible for immediate release. Counsel may motion the Court for a Change of Plea Hearing.
6. Revocation Hearings for In-Custody Defendants who are eligible for immediate release. Counsel may motion the Court for a Revocation Hearing.
7. Initial and Final Status Conferences related to Jury Trials.
8. Mental Health Hearings.
9. Order of Protection Hearings requested under Gila River Indian Community Code Section 5.711(E)(4).
10. Restraining Order Hearings held under Gila River Indian Community Code Section 4.323.
11. Juvenile Initial Hearings.
12. Juvenile Detention Hearings.
13. Juvenile Shelter Care Hearings.

The parties and their attorneys/advocates may appear in-person, by telephone or virtually for these hearings.

IT IS FURTHER ORDERED that the Clerk of the Court shall immediately vacate (cancel) all non-essential hearings between January 11, 2022 and January 28, 2022 and notify the parties and attorneys/advocates. The Clerk of the Court shall work with Court administration to reschedule all vacated hearings and notify the parties and attorneys/advocates of the new court hearing dates. All hearings shall be rescheduled no later than February, 2022.

IT IS FURTHER ORDERED that parties are excused from appearing for non-essential hearings.

IT IS FURTHER ORDERED that attorneys/advocates and parties are strongly encouraged to submit documents through the Court's public electronic mailbox, courtpublicmailbox@gric.nsn.us, or fax, 520-562-9867.

IT IS FURTHER ORDERED that the instructions given in Administrative Order No. 2022-01 regarding criminal jury trials shall remain in effect.

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 in-custody criminal defendants shall appear by telephone or virtual conference.

IT IS FURTHER ORDERED that the Probation Department, including Pre-Trial Services, are requested to minimize in-person contact or home visitation. Probation officers are authorized to use technology of all types to supervise those on adult and juvenile probation.

IT IS FURTHER ORDERED that trial judges and judicial personnel may take action as necessary to implement the provisions of this Order.

IT IS FURTHER ORDERED that this Order expires on January 28, 2022 unless renewed by further Order.

IT IS FURTHER ORDERED that certain provisions in Administrative Order No. 2022-01 are superseded by this Order.

DATED this 11th day of January, 2022.

SEAL

/s/ Anthony J. Hill

Honorable Anthony J. Hill, Chief Judge