

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

In the Matter of:

SUSPENSION OF CERTAIN JURY
TRIALS FOR AUGUST AND SEPTEMBER
IN RESPONSE TO THE CORONAVIRUS
PANDEMIC

ADMINISTRATIVE ORDER
NO. 2021-02

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 Centers for Disease Control and Prevention (CDC) states the Delta Variant of the coronavirus causes more infections and spreads faster than early forms of the coronavirus.¹ The level of transmission of the coronavirus in Arizona, including Maricopa and Pinal counties, is currently high, according to the CDC.²

The Community has experienced an increase in coronavirus cases when there were 29 positive cases in June; and, that increased to 143 positive cases in July.³ From July 19 to August 8, 2021, 125 new positive cases were reported.⁴ The rate of fully vaccinated Community members is 45%.⁵

The Gila River Indian Community Court (Court) has approximately 40 jury trials scheduled for the last two weeks in August and in September. There are multiple jury trials set for the same day through August and September. The Court recognizes there are significant public health risks associated with summoning large groups of prospective jurors who would be required to sit in close proximity to each other during jury selection. The Court understands there is a reduced ability to obtain an adequate spectrum of prospective jurors due to the public perception of the risks associated with jury duty. Further, to protect the public health and safety, the health and safety of Court personnel, counsel, litigants, other case participants, jurors, security personnel and the general public, and in order to reduce the number of gatherings necessarily attendant to jury trial selection in this Court, the Court finds it necessary to continue all but a limited number of jury trials for August and September.

¹ <https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>

² <https://covid.cdc.gov/covid-data-tracker/#county-view>

³ https://www.gric-eoc.org/uploads/4/6/3/2/4632666/thd_covid_19_bi_monthly_report_08022021.pdf

⁴ https://www.gric-eoc.org/uploads/4/6/3/2/4632666/covid-19_data_report_08_11_2021.pdf

⁵ <https://www.gric-eoc.org/>

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

IT IS ORDERED that all criminal jury trials, except those specified in this Order, scheduled in August and September, 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 September.

IT IS FURTHER ORDERED that, due to the 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 postponement of these cases will be assessed by the Court in mid or late September to determine whether further postponement is appropriate.

DATED this 13th day of August, 2021.

SEAL

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