



# The Judicial Branch of Arizona

Maricopa County

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### Initial Appearance Court (In-Custody)

Initial Appearance Court (IA) is the first court appearance for someone arrested in Maricopa County. IA Court is located at the 4th Avenue Jail, 201 South 4th Avenue. IA Court statutorily is required to conduct hearings on persons arrested within a 24 hour time period from the time of arrest. Persons arrested are brought into the 4th Avenue Jail for booking into the Maricopa County Sheriff's Office (MCSO) jail management system (JMS). The court docket is conducted every three hours on a 24 hours/7 days a week schedule. Each docket typically consists of 40 people, unless but may be increased to ensure that all arrested people are seen by IA Court within the 24 hour statutory requirement.

All felony arrests, new charges, or people arrested on outstanding warrants in Maricopa County must be seen in IA Court. Also, anyone arrested on misdemeanor charges by MCSO or the Department of Public Safety (DPS) within Maricopa County will be seen at IA Court, as well as people arrested from warrants issued by the 25 justice courts in the County, and new charges and warrants from 15 different city courts. IA Court also hears out-of-county and out-of-state warrants, civil, probate, and family court matters. A total of more than 64,500 defendants received an initial appearance in FY2010, which is approximately 10% less than FY2009.

The IA Court also issued approximately 680 search warrants per month in FY2010, which is 18% more than the year before. Additionally, the Court reviewed approximately 150 petitions for Restoration of Civil Rights each month. This is typically completed by a commissioner between IA court hearings and the processing of search warrants. Criminal Administration staff prepares all necessary documents for the commissioner to review. The six commissioners in IA Court are served by one Judicial Assistant.

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### Initial Appearance Summons (Out-of-Custody)

The Initial Appearance Summons Court is the second way by which a defendant may enter the criminal felony adjudication process. Individuals are summoned to appear in court rather than being arrested and appear before the Initial Appearance Court. Hearings are conducted in much the same manner as the IA Court. Defendants are advised of the charges against them, a "not guilty" plea is entered to these charges, a determination is made regarding indigent representation, and they receive their next court date.

IA Summons calendars are heard on Monday, Wednesday, and Thursday afternoons on the 3rd floor of the South Court Tower (SCT) in Phoenix. The average number of defendants appearing on a calendar is 67. From July through May FY11, there were 6,817 cases set before the IA Summons Court. Of those, only 3,232 defendants appeared, which is a 47% appearance rate.

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## **Early Disposition Court (EDC)**

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Early Disposition Court, formerly called Expedited Drug Court, was developed in 1997 as an innovative approach in processing cases to alleviate the backlog of trials in the Criminal Division and to respond to the community's desire to offer treatment to drug offenders. Cases filed in EDC involve victimless charges of possession of illegal drugs for personal use and/or paraphernalia. EDC also has a special component that includes welfare fraud cases filed by the Office of the Arizona Attorney General.

There are three EDC calendars (Two in the downtown Phoenix complex and one at the Southeast Regional Complex) are generally large, averaging between 90 and 120 matters each day. In FY10, there were 11,102 cases filed averaging 925 Direct Complaints filed each month, with a resolution rate above 90%. Most of the cases resolved in EDC are diverted into a drug treatment program administered by a private drug treatment company under contract with the Maricopa County Attorney's Office. If the defendant successfully completes the treatment, their case is no longer prosecuted.

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## **Regional Court Center (RCC)**

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The Regional Court Center for early Felony Processing (RCC) was designed to speed resolution of lower level criminal cases. The Direct Complaint Program handles all felony complaints (typically Class 4, 5 and 6 felonies) from inception, eliminating complaint paperwork being transferred between the Justice Court system and Superior Court, with judicial officers able to preside over the full range of case complexities. Preliminary hearings and arraignments are consolidated to the same day at the RCC location in the Downtown Phoenix Superior Court complex which saves ten days of potential jail time for in-custody defendants, eliminates duplication of efforts, and reduces Sheriff Office transport of inmates to the various Justice Courts. Status Conferences are scheduled a few days in advance of the preliminary hearing to encourage early communication between the parties and possible case resolution.

The four Calendars in the RCC (Three in Downtown Phoenix and one at the Southeast Regional Complex) are larger in size to those found in EDC. In FY10, there were 20,589 cases filed, averaging 1,715 cases filed per month. The RCC resolved more than 9,900 cases in FY10 for a resolution rate of just below 50%. However, many of the cases filed into RCC are diverted to a Grand Jury by the County Attorney's office before being seen in RCC. If those cases are not included in the determination of a RCC resolution rate, the percentage of cases that actually appear in RCC that are resolved in RCC increases significantly.

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## **DUI Court**

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The DUI Court adjudicates aggravated DUI's and therapeutic DUI cases. This area is responsible for the management of cases that involve the charge of aggravated DUI. This includes status conferences, settlement conferences, changes of plea, trials, and sentencings for those cases. During FY10, 1,213 cases were filed in the DUI Court and 1,596 cases were sentenced.

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## **Therapeutic Drug and DUI Court**

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Therapeutic Drug and DUI Courts are model courts that target defendants who have been convicted of drug or DUI charges. These Courts incorporate increased supervision and monitoring by the Court, Adult Probation Department and treatment providers as part of the coordinated strategy to intervene with repeat and high-risk offenders. Successful completion of the program often results in reduction of the felony charges. Defendants are screened prior to admission to either of the programs to achieve desired long-term success.

In FY2011, Drug Court held status conferences three times per week and non-witness violation hearings every other afternoon. In FY2011, over 8,000 drug court status conferences were held with an average of 65 probationers each session. The DUI calendar was held one morning and every other afternoon a

week, and heard 3,244 matters with an average of 77 probationers seen each session.

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### **Not Guilty Arraignment (NGA)**

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Defendants appearing on the Not Guilty Arraignment calendar are from Grand Jury indictments, Justice Courts, Initial Appearance Summons, and Initial Appearance Court. Defendants may be in-custody or out of custody. The in-custody defendants appear by remote videoconferencing equipment from a jail facility to reduce the number of inmate transports. During this proceeding, defendants enter a "not guilty" plea to pending charges and receive the next court date and location. Determination is also made as to the need for indigent representation. Cases coming from the NGA calendar may be sent to a judicial division, a specialty court, or a justice court for future court hearings.

NGA calendars are heard on Monday, Wednesday and Thursday mornings. The average number of defendants appearing on these calendars is 90. From July 2010 through May 2011, 12,960 defendants were seen in NGA.

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### **Master Calendar**

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In December of 2008, the Criminal Department created a pilot project to explore changes in the way most felony cases flow through the Court. The pilot involved roughly a third of the Criminal Department trial judges and one commissioner. Cases distributed to that group were not assigned to individual judges as they would have outside of the pilot. Instead, the pre-trial matters were handled by the commissioner or one of the judges acting as a Motions Judge (Motion Judges heard substantive pre-trial motions, the Comprehensive Pretrial Conference (CPTC), and the Final Trial Management Conference (FTMC) to ready the case for trial). Any cases that needed to be resolved by trial were given their Firm Trial Date months in advance and ordered to appear on that date before the Associate Criminal Department Presiding Judge (ACRPJ). At that time, the ACRPJ assigned the case to a trial judge based on availability. The pilot was in place until the end of June, 2009.

In July, 2009, all criminal cases assigned to the Downtown Phoenix Superior Court complex (except Capital, DUI, and other cases individually assigned by the Criminal Presiding Judge (CRPJ) were managed using the Master Calendar framework. In December of 2009, the four trial divisions that were handling criminal cases at the Southeast Regional Courthouse were moved to the Downtown Phoenix Superior Court complex and assimilated into the Master Calendar. From that point, the Master Calendar framework included six Master Calendar Commissioners, each of whom was responsible for conducting all Initial Pre-Trial Conferences (IPTC's). The IPTC was set 45 days from Arraignment, the CPTC's for non-complex cases are set 30 days after the IPTC, Settlement Conferences are set as requested by the parties to the case, and a commissioner will also conduct any hearings related to motions presented to them. All of the Criminal Department trial judges served on a two-month rotation as one of four Motions Judges (MJ). They handled the CPTC's for complex cases, hearings on motions presented to them, and the Final Trial Management Conference (FTMC) which is set five court business days prior to the Firm Trial Date (FTD). There was also one judge in the Department who was designated the Assignment Judge (AJ). All cases were scheduled in front of the AJ for their Firm Trial Date. The AJ is provided a list of judicial officers available for trial each day, and assigns cases for trial. This role was handled by the ACRPJ from the pilot project through February of 2010. Since that time, a number of judges in the Criminal Department have rotated into that assignment for a week at a time.

In September of 2010 the role of the Motions Judge in the Master Calendar framework was eliminated and in its place was created the Case Management Judge (CMJ). Six teams were created with one Master Calendar Commissioner (MCC) continuing to handle all IPTC's and most CPTC's. Each of the teams also had three to four judges serving as Case Management Judges. Cases are assigned to each team based on the last two digits of the case number (e.g. MCC for Team A is assigned digits 00 to 16). The Case Management Judges also are assigned cases based on the last two digits that are a subset of the range of digit within their team (e.g. The first CMJ for Team A is assigned digits 00-03, the second CMJ for Team A is assigned digits 04-07 and so forth). Under this new framework the labor of hearing substantive motions is spread among the Case Management Judges.

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## **Capital Case Management**

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All cases where the State has filed a Notice to Seek the Death Penalty are managed through a unit under the direction of the Criminal Presiding Judge (CRPJ). A total of seven Criminal Department judges handle all pre-trial matters for this caseload. These judges also preside over the trials when available. If the judge who handles the pre-trial matters is not available at time of trial, the CRPJ assigns another judge to preside over the trial. The Capital Case Management judges, the CRPJ, the Associate Criminal Presiding Judge (ACRPJ), and Criminal Department Administration staff meet weekly to ensure timely management of all capital cases, in accordance with the Arizona Rules of Criminal Procedure. This focus on active caseload management has made a significant impact on the Court's ability to reduce the backlog of capital cases that has built up during the past five years. At the close of FY08, there were 119 active capital cases, with the inventory peaking during that time of more than 140 pending cases. During that fiscal year, 35 capital cases were resolved. In CY2008, 41 new capital cases were initiated, and 29 existing capital cases were resolved. As of January 1, 2009, there were 139 capital cases still pending. But by the end of December, 2009, that number had decreased to 101, due in large part to the resolution of 60 cases during CY2009. As of June 30, 2011, there are now 67 active capital cases, a testimony to the effectiveness of the capital case management strategy employed by this Court.

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## **Bond Forfeiture**

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Bond Forfeiture Hearings are conducted to determine if a bond should be forfeited or exonerated. If the bond is forfeited, those monies are then transferred from the Clerk of Court's records to the County Treasurer for disposition. If the bond is exonerated, the Clerk of Court will return those funds to the bond poster, which could be an individual or a bonding company.

In FY09-10 there were 1,579 Bond Forfeiture Hearings held. The amount of bonds forfeited was \$3,094,327. The Bond Forfeiture Backlog Calendar implemented in 2008 ended in July 2010. It addressed the backlog of cases in which a hearing regarding the disposition of bond monies was not scheduled at the time a warrant was issued. At the completion of the calendar, 1,216 matters were addressed with \$1,847,142 forfeited and \$505,119 exonerated.

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## **Fugitive of Justice (FOJ)**

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The Fugitive of Justice calendar monitors defendants who are arrested on an active warrant from another state. They are given an initial appearance and receive their next court date on the FOJ Complaint calendar. At this hearing, the defendant is given the option of signing a waiver to be extradited to the state where the complaint originated or they can contest the complaint. If the defendant chooses to contest the complaint, the Court sets 30, 60 and 90 day review hearings. If the defendant is unable to resolve the complaint from the other state, the governor of the State of Arizona can issue a warrant to extradite the defendant to the original state on or before the 90th day.

FOJ calendars are heard on Tuesday and Wednesday mornings. An average number of 20-30 matters are heard each week. During the past twelve months, 804 cases were addressed on the FOJ calendar.

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## **Probation Adjudication Center (PAC)**

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The Probation Adjudication Center (PAC) resolves probation violation matters in a timely and efficient manner by consolidating probation revocation hearings and co-locating the court operations with other justice partners. There are three court calendars each day, which are heard at 8:00 AM, 11:00 AM, and 2:00 PM. Approximately 86 matters are set on each calendar. In FY11, there were 10,894 probationers arraigned, which is a three percent decrease from FY10. More than 94% of the cases involve in-custody defendants. About one-third of all cases

processed are "Term 1" violations, meaning that a new criminal charge is anticipated against the defendant, along with the violation of the existing probation. These cases are eventually transferred to trial divisions and matched up with the newly filed charges. The court and its co-located partners (Adult Probation Department, Public Defender, Sheriff's Office, and County Attorney) can facilitate an admission to a probation violation, hear a disposition recommendation from the Adult Probation Department and complete sentencing, all at the first hearing scheduled in the PAC. This process results in substantial savings in jail days.

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### **Post-Conviction Relief (PCR)**

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Rule 32 of the Arizona Rules of Criminal Procedure provides that any person who has been convicted of, or sentenced for, a criminal offense may seek appropriate relief. Depending on the disposition, that relief may be limited to review by the trial court rather than at the appellate level. This unit of Criminal Court Administration coordinates all filings under Rule 32 for the entire Court. Motions must be filed with the court within specific time standards and state the specific claim for which relief is sought. Time standards for action at each step of the process ensure that these cases are processed efficiently and in compliance with statutes. Staff route filings to the applicable judicial officer, and monitor all filings to ensure defendants and the Court adhere to the strict timelines set forth in the Rule.

In FY10, there were 1,506 petitions for Post-Conviction Relief filed. Of that number, 1,299 petitions were dismissed. The average monthly inventory is approximately 1,585 cases.

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### **Direct Support Services**

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Direct Support Services is a pool of Bailiffs and Judicial Assistants who are available to provide direct support to Criminal Division commissioners and visiting and retired judicial officers. Their duties include the preparation of daily calendars, coordinating with the Jury Office for picking up jury panels for trials and management of the courtrooms and jurors. They also coordinate attorneys, defendants, and interpreters in the courtroom, set hearings and post minute entries in iCIS. Additionally, they take notes during court proceedings, update iCIS with results and future court dates, answer phones, process mail, and manage the Commissioner's calendar.

Additional duties include processing of all Notices of Change of Judge by Rule 10.2, plea withdrawals and recusals within the criminal divisions, and updating iCIS to reflect judicial assignments and court dates. These actions may occur at any point on the timeline of the case.

The unit also coordinates the critical calendar coverage function for the Criminal Department to ensure that calendars are covered during critical times as well as to provide coverage whenever a commissioner is unavailable. In addition to those commissioners who are routinely designated to assist with critical coverage, Judges Pro Tems are contacted to provide assistance as necessary. Usually the need for critical calendar coverage is greatest during the early stages of a case or post-adjudication. The unit received more than 100 requests for coverage during the first five months of 2011.

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