

IN THE PASCUA YAQUI TRIBAL COURT

IN AND FOR THE PASCUA YAQUI INDIAN RESERVATION

In the Matter of

COURT OPERATION SUSPENSION
FOR COMMUNITY
HEALTH CONCERNS.

Case No. 20-001
GENERAL ORDER TO ADDRESS
COURT OPERATIONS DUE TO
CORONAVIRUS OUTBREAK

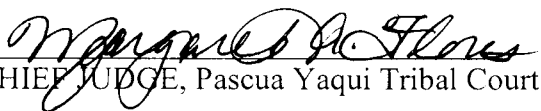
This court issues a general order in response to the recent outbreak of Coronavirus Disease 2019 (COVID-19) and the well-documented concerns surrounding the virus. The President of the United States has declared a public health emergency in response to the spread of COVID-19, the Governor of the State of Arizona has declared a public health emergency throughout the state, and the Tribal Chairman has issued an Executive Order and directive to community members not to have large congregations of 50 or more persons or gatherings of 10 or more persons who are in high risk categories. The Chairman's directives also orders Tribal branches and departments to create policies and procedures to encourage social distancing in their operations. In order to protect public health through the aim of reducing the size of public gatherings, as well as balancing the fair administration of justice, **IT IS HEREBY ORDERED** that unless a separate effective date is otherwise indicated in this order, effective Wednesday, March 18, 2020:

1. All civil and criminal jury trials scheduled to commence on or before April 20, 2020, are continued pending further order of the court. The court may issue other orders concerning future continuances as necessary and appropriate.
2. All trial-specific deadlines in criminal cases scheduled to begin before April 20, 2020 are continued pending further order of the court. Individual judges may continue trial-specific deadlines in civil cases at their discretion.
3. Individual judges presiding over criminal cases may take such actions consistent with this order as may be lawful and appropriate to ensure the fairness of the proceeding and preserve the rights of the parties.
4. Due to the court's reduced ability to obtain an adequate spectrum of jurors and the effect of the public health recommendations on the availability of counsel and court staff to be present in the courtroom, the time period of the continuances implemented by this General Order will be excluded under the Speedy Trial Act. The court specifically finds

1 that the ends of justice served by ordering the continuances outweighs the best interests
2 of the public and any defendant's rights to a speedy trial. See 18 U.S.C. §
3 3161(h)(7)(A). Any motion by a criminal defendant seeking an exception to this order
4 in order to exercise that right should be directed to the judge assigned to the matter.
5 Absent further order of the court, the period of the exclusions shall be from March 18,
6 2020 through April 20, 2020.

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5. Individual judges may continue to hold hearings, conferences, and bench trials in the exercise of their discretion, consistent with this order.
 6. The clerk's office, probation and pre-trial shall remain open pending further order of the court.
 7. No person, including but not limited to, court staff, practitioners, community members and defendants, will be allowed into the Court building if they are currently experiencing (or have experienced within the past 14 days) symptoms attributed to the COVID-19 (i.e. fever, cough and/or difficulty breathing).
 8. No defendant shall be transported to the Pascua Yaqui Detention facility from another detention facility for scheduled court hearings if they are currently experiencing (or have experienced within the past 14 days) symptoms attributed to COVID-19.
 9. The court shall reserve its right to make amendments to this order, pending any additional health concerns regarding the extent of the Coronavirus Disease, as updated and reported by Federal, State and Tribal governments.

19 SO ORDERED this 18th day of March, 2020.

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22 CHIEF JUDGE, Pascua Yaqui Tribal Court

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26 Date: 3/18/2020

27 Chairman/Tribal Council Public Defender Prosecutor Attorney General
28 Detention Social Services Attorneys/Advocates for Parties

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Clerk