

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2019-005397-001 DT

09/11/2020

HONORABLE GEOFFREY FISH

CLERK OF THE COURT  
A. Dvornsky  
Deputy

STATE OF ARIZONA

FRANKIE LYNN GRIMSMAN

v.

ARLENA M WILLES (001)

RICK G TOSTO

JUDGE FISH  
JUDGE STARR

ROBERT SWINFORD

TRIAL CONTINUANCE PAST LAST DAY

Having considered the Motion to Continue by counsel for the Defense, the Court finds,

1. The nonmoving party or parties: Do Not Object.
2. The Arraignment date was: 07/19/2020.
3. The original last day was: 11/13/2020.
4. The existing date of the trial when the motion was filed: 10/01/2020.
5. The number of continuances granted before this continuance was: 2.
6. The motion was: In writing.
7. The motion was filed at least 5 days before trial: Yes.

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8. If filed untimely, the motion sets forth with specificity the reasons for its untimeliness: Does Not Apply.

The Court finds that delay is indispensable to the interests of justice and that the following extraordinary circumstance(s) exist warranting the continuance:

Defense counsel will be in trial starting 09/24/2020.

The Defendant waived applicable time limits: Yes.

IT IS FURTHER ORDERED vacating the current trial setting of 10/01/2020 and resetting same to 12/10/2020 at 11:00 a.m. before the Master Calendar Assignment Judge. The Trial Assignment hearing will be a GoToMeeting videoconference. The purpose of the hearing is to set future dates for (1) the Trial Procedure Conference, (2) the Trial Status Conference, and (3) the Firm Trial Date.

The Court waives the presence of any defendant represented by an attorney at the Trial Assignment hearing. Self-represented litigants shall appear by videoconference following the directions below. If a self-represented litigant is in custody at the time of the Final Trial Management Conference (FTMC), this division will notify the Assignment Judge's division so that a jail tablet hearing can be scheduled for the defendant to appear by videoconference from the jail.

Participants join the Trial Assignment hearing by using the GoToMeeting app and entering Meeting ID 736-954-261 or following this link <https://global.gotomeeting.com/join/736954261>. A participant can also join by telephone by dialing (571) 317-3122 and entering Access Code 736-954-261. Counsel of record are ordered to appear via videoconference with their webcams enabled. **If you have any questions about how to connect, please contact the Assignment Judge's division staff at 602-372-1011.**

IT IS ORDERED resetting the Final Trial Management Conference (FTMC) set on 09/16/2020 to 11/25/2020 at 8:30 a.m. before this division.

IT IS FURTHER ORDERED excluding all time from 10/01/2020 through 12/10/2020 (70 days). NEW LAST DAY: 01/22/2021.

IT IS FURTHER ORDERED affirming prior release orders.

Due to the spread of COVID-19, the Arizona Supreme Court Administrative Order 2020-79 requires all individuals entering a court facility to wear a mask or face covering at all times

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they are in the court facility. With limited exceptions, the court will not provide masks or face coverings. Therefore, any individual attempting to enter the court facility must have an appropriate mask or face covering to be allowed entry to the court facility. Any person who refuses to wear a mask or face covering as directed will be denied entrance to the court facility or asked to leave. In addition, all individuals entering a court facility will be subject to a health screening protocol. Any person who does not pass the health screening protocol will be denied entrance to the court facility.

The Court temporarily has modified appearance policies to reduce the potential exposure to COVID-19 for staff, the Court, lawyers, parties, and members of the public. These modified policies are regularly updated based on public health guidance and can be found at the Court's COVID-19 Website (<https://superiorcourt.maricopa.gov/communications-office/covid-19/>).

**IT IS ORDERED** that the Parties and other Participants, as well as any Observers, must follow the appearance guidelines for any scheduled hearing(s), as applicable:

The Court has designated certain hearings as “**Non-appearance Hearings**” or “**Appearance Hearings (virtual and in person)**” (see table below):

- For a **Non-appearance Hearing**, no party will appear, either in person or through virtual means. Instead, the parties will file the required documents (*see* the Court's COVID-19 Website for templates). Parties must file all required documents no later than 5:00 p.m. on the date of the Non-appearance Hearing. The parties must file the original and email a courtesy copy to this division at **carol.ruelas@jbazmc.maricopa.gov**.
- For an **Appearance Hearing**, parties are required to appear, either in person or through virtual means depending on how the hearing is set. If counsel choose to appear virtually it must be via GoToMeeting and not by phone. Parties must file all required documents before the Appearance Hearing. A party may request to convert a Non-appearance Hearing to an Appearance Hearing (virtual or in person) by filing a written motion and emailing a courtesy copy to this division at **carol.ruelas@jbazmc.maricopa.gov** at least three business days prior to the hearing date. The Court may grant or deny the request, in its discretion.

Hearing Name	Appearance / Non-Appearance	Documents Required to be Filed by 5 PM for any Non-Appearance Hearing
Comprehensive Pre trial Conference (CPTC)	Non-appearance	Joint comprehensive pretrial conference statement

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Scheduling conference for complex case	Non-appearance	Joint case management plan
Complex Case Management Conference (CCMC)	Non-appearance	Joint case management report
Status Conference	Non-appearance	Each party files separate status conference report
<b>Final Trial Management Conference (FTMC)</b>	<b>Appearance – Default is Virtual</b>	<b>Joint final pretrial conference statement – Hearing will be presumed to be virtual with Defendant’s presence not required. (In custody defendant’s not transported unless changed to in person hearing). Counsel can request in person hearing by notifying the division at least 3 days ahead of time.</b>
Settlement Conference	Appearance	In person appearance unless parties arrange to participate by IAS
Sentencing	Appearance	In person appearance

To comply with social-distancing guidance, the Court allows—but does not require—appearances through an Interactive Audio Visual System (“IAS”). See Ariz. R. Crim. P. 1.5. The Court’s current IAS is a GoToMeeting video/teleconference for **Participants**; the Court has a separate telephone bridge line for **Observers**. A **Participant** is a person who will participate in a hearing and who may need to address the Court (*e.g.*, staff, lawyers, Defendant, victim, testifying witnesses, and other essential contributors). An **Observer** is a person who is observing proceedings and will not need to address the Court (*e.g.*, family members, friends, support people, general public, and other observers).

A Participant can connect to the video/teleconference by using a computer, telephone, smartphone, or tablet. The Court will email counsel for State and Defendant (or the self-represented Defendant) instructions for how to connect to the video/teleconference with a meeting ID, meeting link, and telephone number. Counsel (or a self-represented Defendant) are responsible for forwarding the instructions to any Participant (including any testifying witnesses); the State must provide the instructions to the victim. Counsel, self-represented Defendants, and their advisory counsel **must** appear either in person or via videoconference with the camera enabled unless the Participant provides the Court with good cause for a telephonic appearance only.

Any time Defendant appears in person in the courtroom, Defense counsel may only appear by virtual means with Defendant’s consent. Defense counsel must confer with Defendant prior to

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the hearing to obtain Defendant's consent. At the beginning of the hearing, the Court will conduct a colloquy of Defendant to ensure they consent to the attorney's participation by virtual means.

Observers may use the bridge line to listen to a hearing in this courtroom by dialing 602-506-9695 or 1-855-506-9695 and entering the "participant code" 992458#. PLEASE NOTE: The bridge line is muted. People on bridge line may only listen to the hearing and will not be able to speak. **Participants shall not use the bridge line.**

**INSTRUCTIONS FOR VIRTUAL APPEARANCE AT HEARING(S)**

**GoToMeeting Invitation:** This division will send you an invitation to join its video/teleconference via email. If you do not receive the invitation via email one day before your hearing, email this division at carol.ruelas@jbazmc.maricopa.gov and request an invitation to the hearing.

**Downloading & Testing Software:** Upon your receipt of the invitation, click on the link provided to download the GoToMeeting application software. The software can be downloaded via a computer, smart phone, or other smart device. Ensure the application software is on the device you intend to use at the actual hearing. Any Participant ordered to appear with a webcam enabled should ensure that device has webcam and microphone (most laptops, smart phones, and tablets have this technology).

**Sound quality:** You may choose to use headphones (with mini-microphones) or air pods for the audio on your device during the hearing. You are strongly discouraged from having multiple people (attorneys or attorney staff) grouped around a single device for participation. These measures will improve the sound quality for you, your staff, and your clients, and will create a clearer recording of the proceeding for the record.

**Attorney responsibilities:** You are responsible for ensuring that you have downloaded the GoToMeeting software in advance of the hearing. You are responsible for ensuring that you provide your clients (if out of custody) and any participants with a copy of the link so that they can appear at the hearing. You must ensure that you have access to a quiet, secure room during the hearing that is free from audio and visual distractions.