

## **TITLE 6 – COURTS**

### **CHAPTER 3 - RULES OF COURT**

#### **ARTICLE 1 – ADMINISTRATIVE ORDER NO. 03-09; RULES OF COURT**

*History: Administrative Order No. 03-09, “IN RE: Order Establishing Rules of Court,” was ordered April 15, 2009 and identifies the Tohono O’odham and Arizona rules applicable in the Judicial Court.*

*Related History: Administrative Order No. 03-09 repealed Administrative Order III, which adopted certain Arizona Rules of Court effective on March 28, 1988, and also repealed Administrative Order No. 01-04, which was ordered June 15, 2004 and addressed long form complaints and the application of court rules.*

*Related History: A Rule of Practice (governing motions to continue and speedy trial time limits) was ordered by Administrative Order on October 30, 1987.*

***NOTE: Pursuant to Article VIII, Section 10(d) of the Constitution of the Tohono O’odham Nation and Section 1106(A) of 6 T.O.C. Chapter 1, Courts and Procedures, the Judicial Court is vested with the power to promulgate rules regulating pleading, practice and procedure in all Judicial Court proceedings. The Judicial Court rules are therefore subject to enactment, amendment, or repeal at any time by administrative order issued by the chief judge. Practitioners are accordingly cautioned to contact the Judicial Court for copies of current court rules.***



1 In the Judicial Court of the Tohono O'odham Nation

2 County of Pima, In the State of Arizona

3 IN RE: Order Establishing Rules of ) ADMINISTRATIVE ORDER  
4 Practice and Procedure Concerning the ) No.: 02-09  
5 Long Form Complaint )  
6 \_\_\_\_\_ )

7 On November 21, 2005 the offense of Driving under the Influence became  
8 effective as Section 13.12 of Tohono O'odham Criminal Code with a minimum sentence  
9 of ninety (90) days of incarceration. In order to reduce confusion regarding when a long  
10 form complaint is required, the following procedures shall govern all cases filed pursuant  
11 to the Tohono O'odham Criminal Code. This Order is effective immediately and shall  
12 supersede and rescind the long form process set forth in Administrative Orders 01-04 and  
13 02-04 and any conflicting procedures or policies now in effect.

14 I. Use of the Long Form Complaint.

- 15 A. In all court cases filed pursuant to the Tohono O'odham Criminal Code,  
16 where incarceration in excess of sixty (60) days is a possible punishment,  
the case must be initiated by the filing of a long form complaint.
- 17 B. The long form complaint must be signed by a prosecutor of the Tohono  
18 O'odham Nation.
- 19 C. The long form complaint does not need to be sworn before a judge.
- 20 D. The short form complaint may be used for cases filed pursuant to the  
21 Tohono O'odham Traffic Code, and for cases filed pursuant to the Tohono  
22 O'odham Criminal Code where the possible punishment is for less than  
sixty (60) days of incarceration.

23 Dated and entered this 11<sup>th</sup> day of February, 2009.

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25 Linda Parley  
Interim Chief Judge

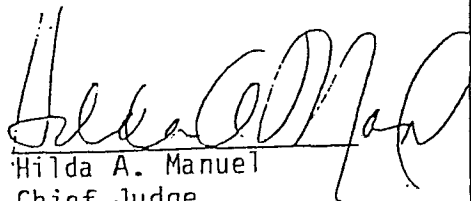
1 IN THE JUDICIAL COURT OF THE TOHONO O'ODHAM NATION  
2 COUNTY OF PIMA, STATE OF ARIZONA  
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5 IN RE: Establishing a Priority for )  
6 Cases Preferred for Trial; )  
7 and )  
8 Authorizing the Clerk of the )  
9 Court to set Trial Dates at )  
10 Arraignment. )

ADMINISTRATIVE ORDER

11 It is ordered that the following Order of the Tohono O'odham  
12 Judiciary will be the local Rule of Practice, effective November 1, 1987.  
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26 Dated: October 30, 1987

  
Hilda A. Manuel  
Chief Judge

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3 A Motion to Continue may be filed upon learning of a scheduling  
4 conflict except that a continuance will be granted only upon a showing  
5 that extraordinary circumstances exist and the continuance is indispensable  
6 to the interests of justice.

7 For Purposes of this Order, time limits for speed trial compliance  
8 will be as follows:

- 9 1. Criminal cases where the defendant is held in custody will  
10 be tried by the Court within 90 days from the date of the  
11 defendant's initial appearance;
- 12 2. Criminal cases where the defendant is released under Court  
13 ordered conditions will be tried by the Court within 120  
14 days from the date of the defendant's initial appearance.
- 15 3. Except for periods set forth in the above Sections, all  
16 Criminal cases will be tried by the Court within 180 days  
17 of the arrest or service of summons.

18 These time limits may be extended or suspended by stipulation or  
19 waiver or upon a showing of extraordinary circumstances in a particular  
20 case.

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1 IT IS ORDERED that subject to the exceptions contained in this Order,  
2 the following cases shall be given preference for trial:

3 1. Any case granted a preference by tribal law or other  
4 rule of court;

5 2. Criminal cases except that if the criminal case is  
6 of the type listed hereafter, it shall be given  
7 further preferred status:

8 a. Trial of defendants in custody;

9 b. Criminal charges carrying a minimum jail  
10 penalty of thirty (30) days or more;

11 c. Jury trials;

12 d. Cases with speedy trial problems.

13 3. Juvenile (Criminal) Cases;

14 4. Domestic Relations;

15 5. Probate or Uncontested Brand Transfer Cases;

16 6. Short Civil Cases;

17 7. Hardship Civil Cases;

18 8. Mental Health Cases, except that emergency involuntary  
19 commitments for diagnostic evaluation purposes will  
20 be considered priority on a case by case basis.

21 IT IS FURTHER ORDERED that at arraignment the Clerk shall set a trial  
22 date and time within sixty (60) days. All plea negotiations and pre-trial  
23 conferences must be completed at least ten (10) working days before the  
24 date set for trial.

25 No negotiated pleas will be accepted unless a written motion is filed  
26 showing good cause why the time periods fixed by this ORDER have not been  
27 followed.