

1 Honorable Barbara Rodriguez Mundell  
2 Presiding Judge  
3 Superior Court of Arizona, Maricopa County  
4 125 W. Washington St.  
5 Phoenix, Arizona 85003  
6 (602) 506-6130

7 IN THE SUPREME COURT OF THE STATE OF ARIZONA

8 In the Matter of: ) Supreme Court No. R-06-0016  
9 )  
10 ) COMMENT OF THE MARICOPA  
11 ) COUNTY SUPERIOR COURT IN  
12 ) SUPPORT OF THE PETITION TO  
13 ) AMEND RULE 1.6  
14 )

15 The Presiding Judge of the Superior Court in Maricopa County files the following  
16 comment pursuant to Rule 28, Arizona Rules of the Supreme Court, in support of  
17 Petition R-06-0016, concerning amendments to Rule 1.6, Ariz.R.Crim.Proc., relating to  
18 allowing appearance videoconferencing for initial appearances, arraignments and some  
19 other hearings.

20 The Maricopa County Board of Supervisors recently authorized the expenditure  
21 of \$359 million dollars to build a state-of-the-art criminal court building that is planned to  
22 contain 32 courtrooms and space for victims, police officers, juror assembly, probation  
23 intake, court interpreters and provider agencies such as TASC. The completion date is  
24 estimated to be approximately 4 years from now, sometime in the year 2011.

25 To plan, design and make the most efficient use of this new space, as well as our  
26 other court buildings, and to preserve and make the best use of taxpayer resources, the  
27 Superior Court in Maricopa County would like to expand the use of videoconferencing in  
28 appropriate proceedings, as requested by the Pima County Attorney.

Use of videoconferencing in criminal proceedings is a tested and efficient  
procedure that has been used in many other states and counties. The California  
Legislature first permitted video arraignments in 1983 in order to reduce the cost of  
prisoner transport, eliminate security problems, minimize pre-arraignment detention time

1 and costs, and “to eliminate defendant’s discomfort in being shackled and spending  
2 long periods in court holding cells.” Judicial Council of California, “Report to the  
3 Legislature on Video Arraignment Projects,” December 1991, p. 1 (Appendix A). South  
4 Carolina, Orange County Florida, Oklahoma, and New Mexico are among the states  
5 that allow videoconferencing at initial appearances. King County Washington permits  
6 videoconference proceedings at preliminary appearances, arraignments, bail hearings,  
7 and trial settings. The Illinois Circuit Court for the Seventeenth Judicial Circuit allows  
8 criminal proceedings by way of closed circuit television at “presentments of felonies”;  
9 bond hearings; and preliminary hearings and sentencing hearings where the defendant  
10 has waived the right to personally appear in court. Wisconsin has used  
11 videoconferencing for many types of criminal proceedings, including:

- 12 ● Initial appearance;
- 13 ● Waiver of preliminary examination, competency hearing or jury trial;
- 14 ● Motions for extension of time;
- 15 ● Arraignment if the defendant intends to plead not guilty or refuse to plead;
- 16 ● Setting, review or modification of bail or other conditions of release;
- 17 ● Motions for severance or consolidation;
- 18 ● Motions for testing physical evidence
- 19 ● Motions for protective orders;
- 20 ● Motions directed to the sufficiency of the complaint;
- 21 ● Motions supporting the issuance of a warrant for arrest or search;
- 22 ● Motions in limine;
- 23 ● Motions to postpone;
- 24 ● Attendance at court proceedings via videoconferencing for victims who are  
25 incarcerated.

26 See Bridging the Distance; Implementing Videoconferencing in Wisconsin, Wisconsin  
27 Supreme Court Policy and Planning Advisory Committee, 2005, updated 8/22/06  
28 (<http://www.wicourts.gov/about/committees/ppacvidonf.htm>). Some federal district  
courts have begun to use videoconferencing for prisoners’ civil lawsuits.

1 The benefits and cost savings of allowing videoconferenced court proceedings  
2 are many and include:

- 3 ● Improving timely case disposition and compliance with Rule 8,  
4 Ariz.R.Crim.Proc by eliminating continuances because inmates were not brought  
5 to court on time and reducing court delays while waiting for arrival of inmates;
- 6 ● Saving prisoner transportation time and costs, including use of vehicles,  
7 personnel and fuel;
- 8 ● Improving courthouse security;
- 9 ● Reducing risk management liability for incidents that may otherwise occur  
10 during transport and in court holding cells or elsewhere in the courthouse;
- 11 ● Reducing personnel costs;
- 12 ● Increasing personnel productivity and case processing efficiency by improving  
13 the availability of defendants;
- 14 ● Reducing of average length of stay in county jail by releasing eligible inmates  
15 quicker after court hearings.

16 In order to increase safety and efficiency in our courthouses and to save financial  
17 resources that could be invested in programs to improve the criminal justice system, I  
18 urge the Supreme Court to adopt the proposed changes to Rule 1.6, Ariz.R.Crim.Proc.

19 Respectfully submitted this 18<sup>th</sup> day of May, 2007.

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23 Honorable Barbara Rodriguez Mundell  
24 Presiding Judge  
25 Superior Court of Arizona, Maricopa County  
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