

## **Tucson Procedure for Providing Paperwork for COP and Admit Deny Hearings**

In light of the public health crisis, the Court has granted numerous requests of counsel to appear via VTC or telephonically. With fewer (or no) attorneys present in the courtroom, the Court is implementing the following procedures to ensure that the paperwork needed at Change of Plea and Admit/Deny hearings is available at the hearing so that the hearing can proceed. This will require counsel to **lodge** certain documents in CM/ECF and email other documents prior to the Court scheduling these hearings. If the documents are not lodged as required, the hearing may be removed from the calendar.

For hearing on COP or admit/deny, the parties must **LODGE** in CM/ECF the following **fully executed** documents, **no later than NOON the day prior** to the hearing:

1. **Consent.** If the hearing is to be set before the Magistrate Judge, the parties must lodge a consent, signed by the defendant and both counsel, which states that defendant has consulted with counsel and agrees to proceed before the magistrate judge. **The court form previously used for consent will not be available.** The parties should submit their own filing, with appropriate language and the caption “Consent to Magistrate Judge.” The following are examples of language which could be used in this filing:

### **Example 1:**

After full consultation with counsel, I voluntarily consent to go forward before a magistrate judge with my:

- Change of Plea Hearing
- Admission or Denial Hearing on Petition for Revocation of Probation/Supervised Release and Evidentiary Hearing regarding revocation.

### **Example 2:**

After full consultation with counsel, I voluntarily consent to go forward with my [plea of guilty or admit/deny hearing] before the United States Magistrate Judge [by video conference].

**Example 3.** In addition to the language in the previous examples, the consent could also include consent for signature by defense counsel, for example: “After full consultation with counsel, I have given counsel permission to sign Court documents on my behalf.”

**Note:** Where the COP is to a class A misdemeanor, the parties must complete the **Consent Class A** (Word document) located on the forms page on our Court website. [Consent Class A](#)

2. **Plea/Disposition Agreement** (if applicable) signed by both counsel and the defendant.
3. **Waiver of indictment** (if applicable) signed by both counsel and the defendant.
4. **Stipulation for release of material witnesses** (if applicable) signed by both counsel and the defendant.

For those cases where the plea is to a **Felony Information**, the AUSA must email to [Tucwi@azd.uscourts.gov](mailto:Tucwi@azd.uscourts.gov) **no later than noon the day prior to the COP:**

5. The **signed and dated** information and notice of association (if applicable). Staff will assign a WI number and district judge, and lodge the information in CM/ECF so it will be available to the Judge.

**Signatures.** Where signature is required, the signature may be an original pen and ink signature or a digital signature. Affixing the “/s/” sign, or typing the attorney’s name does not constitute an acceptable signature UNLESS the document is lodged or filed by that attorney. (In that instance, the “non-signing” attorney’s identity will be verified by their use of their log-in and password. Under LRCiv 5.5, the log-in and password required to submit documents to CM/ECF constitute the registered user’s signature on electronic paperwork submitted by that user.)

For example, if attorney A is unable to provide an electronic signature, attorney B could sign the document (pen and ink or digitally) and provide the document to attorney A who would add their typed name or “/s/” and lodge the document in CM/ECF.

To reiterate, **THIS IS IMPORTANT**, /S/ signatures or typed signatures are not acceptable in any email or paper submission, including sealed filings; they are only permissible when done by the ONE attorney who is also lodging or filing the document in CM/ECF.

As has been the practice since the health crisis began, the Court will permit defense counsel to sign documents on behalf of the defendant and avow on the record in court that the defendant has consented to having counsel sign the document on defendant's behalf.

**Lodging Instructions.** All documents must be lodged, **in one filing consisting of the separate PDF documents, no later than noon the day prior to the scheduled hearing**. If you do not have all of the necessary documents, do not lodge any of the documents.

The lodged event is located under Motions and related Filings “Lodged Proposed Documents.”

Please remember, if the documents are not lodged as required by the noon deadline, the hearing may be removed from the calendar.