

Procedures for the 9:30 Duty Calendar

Tucson Cases

- **Effective with Initial Appearances on Monday, December 4, 2023**

In Tucson cases, when a case is ready for a change of plea hearing, please note the updated process.

1. Defendants charged by a Petty or Flip-Flop Complaint will continue to be initialed per the current procedure.
2. The DH or DH/PH (and possible COP/Sentencing) will be scheduled on the 9:30 AM Duty calendar 10 business days from the initial appearance date.
3. The USAO is reminded that the court will schedule no more than 40 defendants on each 9:30 calendar. However, on rare occasions, typically due to calendaring issues, there may be a few extra defendants on the calendar.
4. The USAO will provide a packet containing an Information, a Waiver of Indictment, and a Plea Agreement to the duty AFPD at initials for distribution to appointed counsel. Defense counsel are instructed to call Jay Marble, Judy Gordon, or Maria South to receive packets. The USAO is urged to please sign and date all documents.
5. Defense counsel will add the MJ case number to all documents, including the Information. Defense counsel may sign all documents on behalf of defendants so long as the signatures clearly identify who the attorney is.
6. Defense counsel will present the plea offer to the defendant. Defense counsel are encouraged to communicate with defendants via video conference from CCA when available. If the plea is accepted, defense counsel will email, no later than 4 business days prior to the scheduled DH/PH, all signed documents to tucinfopackets@azd.uscourts.gov and copy the USAO box USAAZ.FlipFlop@usdoj.gov.
7. Defense counsel are reminded that they must submit a separate email for each defendant, with each document scanned separately within the email. The subject line of the email shall include the date of the hearing, either Flip Flop or Petty, the defendant's name, and the MJ case number. (12/13 - FLIP FLOP – John Doe - 23-mj-1234)
8. The CPS docketing staff will review the documents, return for corrections, if necessary, open a new criminal case and randomly assign a presider Magistrate Judge. The new case number and judge assignment will be emailed to defense counsel.
9. The COP/Sentencing will be held as scheduled before the AM Duty Magistrate Judge.
10. If defense counsel does not email a completed plea packet at least 4 business days prior to the hearing, the COP/Sentencing will not go forward. Instead, a DH/PH will be conducted, and a COP/Sentencing date continued to a later date before the AM duty Magistrate Judge. The MCC will provide defense counsel some proposed dates on a future 9:30 calendar. Counsel should keep in mind the dates below will vary during weeks containing a holiday.

For a DH/PH scheduled on:	The packet must be emailed by:
Monday	Tuesday prior to the hearing
Tuesday	Wednesday prior to the hearing
Wednesday	Thursday prior to the hearing
Thursday	Friday prior to the hearing
Friday	Monday prior to the hearing

11. If the defendant does not accept the plea offer, the DH/PH will go forward as scheduled. If requested by the USAO, the Magistrate Judge will dismiss the misdemeanor charge and the case will proceed on the felony charge by indictment or by information if the defendant chooses to later waive his or her right to be indicted.
12. For petty cases only, where a time-served sentence is anticipated, defense counsel may file a motion to accelerate the scheduled hearing. Defense counsel is instructed to file any such motion with the assigned Magistrate Judge. The assigned Magistrate Judge may grant the motion and the assigned Magistrate Judge will set the accelerated hearing on the 9:30 calendar. Defense counsel will submit the completed paperwork in court at the hearing.
13. The consent for misdemeanor 8:1324(a)(2), Bringing in Illegal Aliens without Authorization, and 18:1028, Possession of False Identification Document, cases is not required to be emailed within the four-business day deadline. The defendant's consent may be obtained when the plea agreement is reviewed or in the courtroom prior to the DH/PH proceeding. The AUSA will sign the consent in the courtroom and counsel will submit it to the clerk.
14. In a multi-defendant flip-flop case involving material witnesses, since a separate criminal case is opened for each defendant, the USAO is instructed to provide an Order Releasing Material Witness in each of the defendant's packets.
15. Defense counsel and the USAO are instructed to please communicate any unusual circumstance or request to continue to the MCC prior to the Magistrate Judge taking the bench.
16. The courtroom doors will open at 9:00 a.m. Defense counsel are kindly asked to arrive promptly to consult with their clients and avoid causing a delay to the start of proceedings.