

Initial Appearance Procedure
All Tucson Magistrate Judges
Updated 6/10/2024

1. The arresting agency or the AUSA shall send an email to iatucson@azd.uscourts.gov, or call directly to the assigned Initial Appearance duty Magistrate Judge, no later than 10:30am in order to provide information to add a defendant to the Initial Appearance calendar. Be prepared to submit the following information to chambers:
 - a. Agent's name, agency, and contact phone number
 - b. Whether the defendant was arrested on a new Complaint or on an arrest warrant
 - c. Defendant's full name as displayed on the Complaint
 - d. Defendant's date-of-birth
 - e. Defendant's arrest date
 - f. Defendant's charges (if a drug charge also provide the drug and the amount in kilos)
2. Border Patrol shall review the Duty Roster Calendar to determine which Judge is on duty and promptly send the BP list to the correct JA. The Duty Roster is located on the Court's website and is always up to date to avoid any confusion as to which JA is on duty to receive the list.
3. The arresting agency or the AUSA shall provide a signed copy of the Complaint or the executed arrest warrant (non-violation cases/USMS arrest cases) as soon as possible, but no later than 12:00pm (noon). Any Complaints submitted after 12:00pm will not be sworn-in until the following day.
4. All violation warrants that were arrested by USMS shall be submitted to the Court's warrant email box by no later than 3:00pm the day prior to the Defendant's IA appearance. Due to the increase in arrests presented for IA on Mondays, the USMS are requested to present violation warrants for IA Tuesday through Friday only. On a three-day weekend, the USMS are requested to present violation warrants for IA Wednesday through Friday only.
5. The arresting agency shall coordinate with CoreCivic to ensure that the duty JA is given advance notice when defendants previously continued per medical protocol are rescheduled for transport and any emails from chambers requesting defendant status or paperwork are promptly answered. To avoid duplication of case numbers and the time and effort required to clean up duplication errors, the arresting agency shall provide the case number that was previously assigned to the defendant before the defendant was originally removed from the transport list.
6. To prevent unnecessary numbering and case opening, the arresting agency or the AUSA shall communicate to the Duty JA as early as possible when a case is declined. Ideally, the JA would be notified the prior day that defendant will be removed from the transport list due to the case being declined.

7. Whenever possible, the Complaints shall be sent to the JA in the same order they appear on the prosecution list. This will increase speed and efficiency in case number assignment.

8. An AUSA may orally motion to unseal a case at the Initial Appearance if defense counsel has not yet been appointed or defense counsel is present and states no objection. The AUSA must indicate on the record if any documents are requested to remain sealed. A motion to unseal a multi-defendant case will apply to all defendants. Motions to unseal outside of the initial appearance require a written motion and proposed order and must list any documents that are to remain sealed. The Court should allow time for defense counsel to file a response before ruling on the motion.