

ABC15 FOLLOW-UP QUESTIONS

The Court's additional written responses | August 31, 2026

ABC15 ASKED

When did the Court begin reviewing its jury procedures? Was the review initiated in response to State v. Clifton and/or ABC15's reporting?

COURT RESPONSE

Review of jury operations and procedures is an ongoing responsibility of the Court's Jury Advisory Committee (JAC), a standing committee appointed by the Presiding Judge. Its membership includes judges, commissioners, the Jury Commissioner, and other Court personnel involved in jury operations. The Court has made changes to jury procedures over time, including increased use of the Court's online jury portal so prospective jurors can provide sensitive information regarding their qualifications and potential bias in a manner that offers greater privacy and encourages candid responses. The JAC is now evaluating whether additional procedures or advisements are appropriate concerning pretrial information gathering about prospective jurors. The issues raised in *State v. Clifton* and ABC15's reporting are part of that evaluation.

ABC15 ASKED

Who is conducting the review? What is the timeline for completion? Will the results be made public?

COURT RESPONSE

The JAC is conducting the review. No fixed deadline has been established. Any recommendation requiring a change in Court procedures would be considered by Court leadership through the appropriate process. If the Court implements new advisements or procedures affecting prospective jurors, that information will be reflected in the Court's public-facing jury information or in public minute entries as appropriate.

ABC15 ASKED

Will the review specifically address whether prosecutors should be required to disclose NCIC searches to the Court and defense?

COURT RESPONSE

The review includes consideration of whether Court procedures should address pretrial information gathering about prospective jurors, including the use of government databases. As stated previously, questions concerning the legality or propriety of particular conduct in an individual case may require judicial determination based on the facts, arguments of the parties, and applicable law. Court leadership will not prejudge issues that may come before a judge.

ABC15 ASKED

Has Court leadership contacted the Maricopa County Attorney's Office about these issues? If so, what was communicated and when?

COURT RESPONSE

Yes. On February 2, 2026, the Criminal Department Presiding Judge contacted the Chief Deputy County Attorney regarding several matters, including the tone used in two pleadings - one of which was MCAO's response in *State v. Clifton*. The Chief Deputy responded by email on February 4, and the two spoke by telephone approximately two weeks later. Separately, **on August 12, 2026**, the Presiding Judge informed the County Attorney that the Court is reviewing its jury procedures, including whether procedures concerning disclosure of pretrial information gathering about prospective jurors should be modified.

MARICOPA COUNTY SUPERIOR COURT

ABC15 FOLLOW-UP QUESTIONS

Additional written responses, continued | August 31, 2026

ABC15 ASKED

Did that communication include a directive, guidance, or request that MCAO refrain from using NCIC or other confidential law-enforcement databases to investigate prospective jurors? Has MCAO responded to such a request?

COURT RESPONSE

No. The Court did not issue such a directive, guidance, or request in that communication. As the Court explained in its previous statement, our responsibility is to protect fair and impartial trials, the rights of the parties, the integrity of jury service, and the privacy and dignity of the citizens we ask to serve. The Court will continue its review with those responsibilities in mind. As part of our answer to your inquiry, we note that Arizona law requires the jury commissioner or jury manager to use a questionnaire to determine whether a person is qualified to serve as a juror. Qualification questions include whether the prospective juror has any disqualifying criminal history. Although A.R.S. § 21-314(E) permits the Court to request the assistance of law enforcement or the county attorney to conduct additional verification of the qualification of prospective jurors, **neither the jury commissioner nor the jury manager has requested this assistance.**

“This information, together with our August 12 statement, represents the Court’s response.”