

Arizona Supreme Court

Rule 28 Petition

R-22-0045

RULE 39(b)(12), RULES OF CRIMINAL PROCEDURE

Appellate Case Information

Case Filed: 1-Dec-2022

Case Closed:

Dept/Composition

Side 1. RULE 39(b)(12), RULES OF CRIMINAL PROCEDURE, Other

(Litigant Group) PETITIONER: ARIZONA ATTORNEYS FOR CRIMINAL JUSTICE ("AACJ")

- Kathleen E Brody, Mitchell Stein Carey Chapman PC, Petitioner
- Jared G Keenan, American Civil Liberties Union Foundation, Petitioner

(Litigant Group) COMMENTOR: MARICOPA COUNTY ATTORNEY'S OFFICE

- Rachel H Mitchell, Maricopa County Attorney's Office, Commentor
- Paul W Ahler, Maricopa County Attorney's Office, Commentor

(Litigant Group) COMMENTOR: ARIZONA PROSECUTING ATTORNEY'S ADVISORY COUNCIL

- Elizabeth Burton Ortiz, Arizona Prosecuting Attorneys' Advisory Council, Commentor
- William P Ring, Arizona Prosecuting Attorneys' Advisory Council, Commentor

(Litigant Group) COMMENTOR: RANDALL UDELMAN

- Randall S Udelman, Commentor  
AZ Bar No. 14685  
[Current Member]  
Admitted 10/24/92

(Litigant Group) COMMENTOR: THE MARICOPA COUNTY INDIGENT DEFENSE OFFICES

- Rosemarie Pena-Lynch, Maricopa County Office of Public Defense Services, Commentor
- Steve B Koestner, Maricopa County Office of the Legal Advocate, Commentor
- Sherri McGuire Lawson, Maricopa County Legal Defender's Office, Commentor
- Mr Gary M Kula, Maricopa County Public Defender's Office, Commentor
- Ms Shannon L Burns, Maricopa County Office of the Public Advocate, Commentor

(Litigant Group) COMMENTOR: ARIZONA VOICE FOR CRIME VICTIMS

- Colleen Clase, Arizona Voice for Crime Victims, Commentor
- Thomas E Lordan, Arizona Voice for Crime Victims, Commentor

(Litigant Group) COMMENTOR: PINAL COUNTY PUBLIC DEFENDER

- Kate Milewski, Commentor

CASE STATUS

Aug 24, 2023....Continued

Dec 1, 2022.....Pending

11 PROCEEDING ENTRIES

1. 1-Dec-2022 FILED: Petition to Amend Arizona Rule of Criminal Procedure 39(b)(12); Rule Change Exhibits (Expedited Consideration Requested (Petitioner Arizona Attorneys for Criminal Justice ("AACJ"))

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11 PROCEEDING ENTRIES

2. 5-Dec-2022 On December 1, 2022, Kathleen E. Brody and Jared G. Keenan of the Arizona Attorneys for Criminal Justice ("AACJ") filed a rule petition on AACJ's behalf proposing to abrogate Rules 39(b)(1)(A) and (B) of the Rules of Criminal Procedure. The petition further requests that: (a) the petition be given expedited consideration under Rule 28(h)(1), Rules of the Supreme Court of Arizona; and (b) its proposed abrogation of Rules 39(b)(1)(A) and (B) be adopted on an emergency basis under Rule 28(h)(2) of the same rules.
- Upon consideration by the Court,
- IT IS ORDERED denying the request for expedited consideration.
- IT IS FURTHER ORDERED denying the request to abrogate Rules 39(b)(1)(A) and (B) of the Rules of Criminal Procedure on an emergency basis.
- IT IS FURTHER ORDERED that the petition shall be opened for public comment this January under Rule 28(c) of the Rules of the Supreme Court of Arizona and will be considered by the Court during its August 2023 Rules Agenda. (Hon. Robert Brutinel)
3. 17-Jan-2023 Rule petitions have been filed in the above-captioned matters under Rule 28(a), Rules of the Supreme Court of Arizona. Upon consideration,
- IT IS ORDERED that these petitions are opened for public comment pursuant to Rule 28(c), Rules of the Supreme Court of Arizona. Comments must be submitted no later than Monday, May 1, 2023, and any reply by a petitioner must be submitted no later than Thursday, June 1, 2023.
- The petitions may be viewed by going to: <http://www.azcourts.gov/Rules-Forum>. This opens the "Welcome" page. Petitions are posted under the appropriate body of rules, for example, Rules of Criminal Procedure, which is found by scrolling down the page.
- For instructions on how to post comments electronically, follow the steps listed above and click on <http://www.azcourts.gov/rules/Forum-FAQ> at the top of the "Forum FAQ" page and then "How do I file a comment on a Rule 28 petition?"
- Alternatively, commenters may submit comments by filing an original and one paper copy of the comment and one electronic copy of the written comments and supporting documents in Microsoft Word format on a CD or other compatible electronic medium with the Clerk of the Supreme Court, 1501 West Washington St., Room 402, Phoenix, AZ 85007 in an envelope marked "Rule Comment."
- Any person filing a comment must send a copy of the comment to the Petitioner electronically or by ordinary mail. (Hon. John R. Lopez IV)
4. 27-Apr-2023 FILED: Maricopa County Attorney's Office Comment in Opposition (Maricopa County Attorney's Office by Rachel H. Mitchell, Maricopa County Attorney and Paul W. Ahler, Chief Deputy)
5. 28-Apr-2023 FILED: Arizona Prosecuting Attorney's Advisory Council's Comment in Opposition (Arizona Prosecuting Attorneys' Advisory Council by Elizabeth Burton Ortiz, Executive Director and William P. Ring, APAAC Chair)
6. 30-Apr-2023 FILED: (Comment) (Randall Udelman)
7. 30-Apr-2023 FILED: Joint Comment by the Directors of the Maricopa County Indigent Defense Agencies (The Maricopa Indigent Defense Offices by Rosemarie Pena-Lynch, Steve Koestner, Sherri McGuire Lawson, Gary Kula, and Shannon Burns)
8. 1-May-2023 FILED: Arizona Voice for Crime Victims Comment in Opposition to Petition to Amend Arizona Rule of Criminal Procedure 39(b)(12); Exhibits (Arizona Voice for Crime Victims by Colleen Clase and Thomas E. Lordan)
9. 1-May-2023 FILED: Pinal County Public Defender Comment in Support of Petition to Amend Ariz. R. Crim. P. 39(b)(12) (Pinal County Public Defender by Kate Milewski)
10. 1-Jun-2023 FILED: Reply in Support of Petition to Amend Arizona Rule of Criminal Procedure; Exhibit 9- Part 1; Exhibit 9- Part 2; Exhibit 9- Part 3; Exhibit 10; Exhibit 11 (Petitioner Arizona Attorneys for Criminal Justice ("AACJ"))
11. 22-Aug-2023 **WOULD ABROGATE RULES 39(b)(12)(A) & (B) OF THE RULES OF CRIMINAL PROCEDURE TO ALLOW DEFENSE COUNSEL TO MAKE AN INTERVIEW REQUEST DIRECTLY TO A VICTIM WITHOUT GOING THROUGH THE PROSECUTOR.**
- ORDERED: Petition to Amend Arizona Rule of Criminal Procedure 39(b)(12)  
= CONTINUED until the August 2024 Rules Agenda.