

SUPREME COURT OF ARIZONA

In the Matter of ) Arizona Supreme Court  
 ) No. R-10-0005  
Rule 31.15(b), ARIZONA RULES OF )  
CRIMINAL PROCEDURE )  
 ) **FILED 09/02/2010**  
 )  
\_\_\_\_\_ )

**ORDER  
ADOPTING AN AMENDMENT TO RULE 31.15(b),  
ARIZONA RULES OF CRIMINAL PROCEDURE**

The captioned rule change petition having been filed and comments having been received, upon consideration,

IT IS ORDERED that Rule 31.15(b), Arizona Rules of Criminal Procedure, be amended in accordance with the attachment hereto, effective January 1, 2011.

DATED this \_\_\_\_\_ day of September, 2010.

\_\_\_\_\_  
REBECCA WHITE BERCH  
Chief Justice

TO:  
Rule 28 Distribution  
John A Furlong

**Attachment\***

**Arizona Rules of Criminal Procedure**

\* \* \*

**Rule 31.15. Motion to Dismiss**

a. [No change in text.]

**b. Involuntary Dismissal.** The Appellate Court, upon motion of the appellee, or upon its own initiative after notice to all parties, may dismiss an appeal for want of prosecution, unless there is a showing of good cause why the appeal should not be dismissed. If the appellant was a defendant at trial, the court shall give notice to the appellant and to the attorney for the appellant. No appeal shall be dismissed ~~if the record on appeal is sufficient to enable the Appellate Court to decide the appeal on its merits, or~~ when the appeal is taken automatically after the defendant has been sentenced to death.

c. [No change in text.]

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\* Changes and additions to text are indicated by underlining; deletions from text are indicated by ~~strikeouts~~.