

Arizona Supreme Court No. R-13-0050
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TO:
Rule 28 Distribution
SACRDOCS
John A Furlong
Jeffrey A Zick
John Pressley Todd
Ronald S Reinstein

ATTACHMENT*

Rule 31.17. Disposition and ancillary orders

a. - b. [No change in text.]

c. Fixing the Date of Execution After a Death Sentence Is Affirmed. Warrant of Execution.

~~(1) *Initial Execution Warrant.* After a conviction and sentence of death are affirmed and the first post-conviction relief proceeding pursuant to Rule 32.4(a) has concluded by the denial of a petition for review filed pursuant to Rule 32.9(c) or, if no petition for review has been filed, upon the filing of a notice by the state that the time for filing such petition has expired, the Supreme Court shall fix a twenty-four hour time period for execution of the sentence and shall issue a warrant of execution.~~

~~(2) *Subsequent Execution Warrant.* In the event the warrant is stayed by any court beyond the time period fixed for the execution of sentence, the Supreme Court shall issue subsequent warrants of execution upon motion by the state.~~

(1) *Issuance of Warrant.* After affirmance of a death sentence, the Supreme Court shall issue a warrant of execution upon the filing of a notice by the state that:

(a) no first Rule 32 petition for post-conviction relief has been filed and the time for filing the petition has expired; or

(b) no petition for review has been filed after the superior court denied the first Rule 32 petition for post-conviction relief and the time for filing the petition for review has expired; or

(c) the defendant has not initiated habeas corpus proceedings in federal district court within fifteen days after the Supreme Court denied the petition for review of the denial of the first Rule 32 petition for post-conviction relief.

(2) *Post-Habeas Warrant.* After the conclusion of federal habeas corpus proceedings and habeas appellate review, the Supreme Court shall issue a warrant of execution upon motion by the state.

(3) *Date and Time of Execution.* [No change in text.]

(4) *Return on Warrant.* [No change in text.]

d. - e. [No change in text.]

* Additions to text are shown by underscoring; deletions by ~~strikeouts~~.