

SUPREME COURT NO. R-11-0021

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TO:

Rule 28 Distribution

David K Byers

ATTACHMENT

(language to be deleted is shown with ~~strike through~~, new language is underlined)

Arizona Rules of Criminal Procedure

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Rule 8.4. Excluded periods

The following periods shall be excluded from the computation of the time limits set forth in Rules 8.2 and 8.3:

a. Delays occasioned by or on behalf of the defendant, including, but not limited to, delays caused by an examination and hearing to determine competency or ~~mental retardation~~ intellectual disability, the defendant's absence or incompetence, or his or her inability to be arrested or taken into custody in Arizona.

b.-g. [no changes]

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Rule 32.10. Review of ~~mental retardation~~ intellectual disability determination

Within ten days after the trial court makes a finding on ~~mental retardation~~ intellectual disability, the state or defendant may file a petition for special action with the court of appeals. The filing of the petition for special action is governed by the rules of procedure for special actions, except that the court of appeals shall exercise jurisdiction and decide the issue raised.