

**CASE PROCESSING STANDARDS ANALYSIS  
CRIMINAL - POST CONVICTION RELIEF**

**National Center for State Courts Model Time Standards:**

98% within 180 days

**Measurement:** Filing of Petition for Post Conviction Relief through disposition.

**Arizona Criminal - Post Conviction Relief**

The Arizona Case Processing Standards Steering Committee recommends that Arizona adopt a different standard:

**94% within 180 days**

✓ Capital cases will be included as part of the 6% disposed after 180 days.

**Measurement:** Filing of Petition for Post Conviction Relief through disposition (e.g., dismissed/denied or relief granted)

Arizona Rules and Statutes	Timelines under Statute and Rule
<p><b>Notice Filed:</b> Rule 32.4(a), Ariz.R.Crim.P.<sup>1</sup> A.R.S.<sup>2</sup> § 13-4234</p> <p>Rule 32.4(c)(2), Ariz.R.Crim.P. A.R.S. § 13-4234(F)</p>	<p><b>Notice Filed:</b> Notice of post conviction relief proceeding must be filed within 90 days after entry of judgment or sentence or <b>30 days</b> after final order or mandate by court of appeals.</p> <p><b>Appointment of Counsel:</b> If defendant is determined to be indigent, counsel will be appointed within <b>15 days</b> if requested. Defendant shall have <b>60 days</b> from the appointment of counsel to file the petition for post conviction relief.</p> <p><b>Defendant’s Extension:</b> Defendant may get a <b>30-day</b> extension on a showing of “good cause.” Additional extensions are allowed on a showing of “extraordinary circumstances.”</p>
<p><b><u>Petition for Post Conviction Relief Filed:</u></b> Rule 32.5, Ariz.R.Crim.P. A.R.S. § 13-4235</p>	<p><b>(Measurement Starts Here)</b></p> <p>Defendant shall include every ground known to him or her for vacating, reducing or correcting the judgment or sentence imposed.</p>
<p><b>Response and Reply:</b> Rule 32.6(a), Ariz.R.Crim.P. A.R.S. § 13-4236(A)</p> <p>Rule 32.6(b), Ariz.R.Crim.P. See also: A.R.S. § 13-4236(B)</p>	<p><b>Response:</b> State is to file a response <b>45 days</b> after petition is filed.</p> <p><b>State Extension:</b> State may get a <b>30-day extension</b> on a showing of “good cause.” Additional extensions are allowed on a showing of “extraordinary circumstances.”</p> <p><b>Defendant’s Reply:</b> Defendant may file a reply within <b>15 days</b> of receipt of response.</p>
<p><b>Adjudication:</b> Rule 32.6(c), Ariz.R.Crim.P. A.R.S. § 13-4236(C)</p> <p>Rule 32.8(d), Ariz.R.Crim.P. A.R.S. § 13-4238(D)</p>	<p><b>Summary Disposition:</b> The court shall review the petition within <b>20 days</b> after defendant’s reply was due. If petition is not dismissed, the court will set a hearing within <b>30 days</b> on those claims that present a material issue of fact or law.</p> <p><b>Evidentiary Hearing Decision:</b> The court shall rule within <b>10 days</b> after the hearing except in extraordinary circumstances where the volume of the evidence or the complexity of the issues require additional time.</p> <p style="text-align: center;"><b>(Measurement Stops Here)</b></p>

<sup>1</sup> Arizona Rules of Criminal Procedure

<sup>2</sup> Arizona Revised Statutes