

Workgroup rules, by meeting date [dates with * indicate a discussion of the rule is pending]

Workgroup	Rule	See meeting minutes of this date(s)
Workgroup 1	1	4/8 and 6/17
	2	4/8
	3	6/17
	15	7/29 and 10/7
	20	10/7 and 11/4*
	24	8/26
	26	10/21
	35	6/17 (at page 2)
	37	10/21 and 11/4*
	39	10/21
	40	11/4*
Workgroup 2	4	4/8
	5	4/8
	6	7/29
	30	11/4*
	31	10/21
	32	11/4*
	36	10/21 (at page 1)
	38	10/21
Workgroup 3	7	4/8 and 5/13 and 6/17
	8	6/17 and 8/26
	9	6/17 and 8/26
	12	9/16
	17	10/21
	22	8/26
	23	8/26
	29	10/21
	33	8/26
	34	6/17
	41	9/16
Workgroup 4	10	5/13 and 6/17
	11	11/4*
	13	6/17
	14	7/29 and 10/7
	16	8/26
	18	9/16 and 10/7
	19	10/7
	21	10/7
	25	9/16
	27	11/4*
	28	11/4*

Rule 30. Appeals from Limited Jurisdiction Courts

Rule 30.1. Right to Appeal

(a) Generally. A person convicted and sentenced for a criminal offense may appeal a judgment or order of a limited jurisdiction court to the superior court as provided by statute and this rule. The State may, at a victim's request, appeal a post-judgment order affecting the substantial rights of the victim.

(1) Sufficient Recording or Transcript. If a recording or transcript of the proceedings is available as provided in A.R.S. §§ 22-371(c) or 22-374, the right to appeal is as provided in the Superior Court Rules of Appellate Procedure-Criminal.

(2) Insufficient Recording or Transcript. If the recording or transcript is insufficient for appellate review, a person convicted and sentenced for a criminal offense has the right to receive a new trial in the superior court. To the extent the parties have previously complied with Rule 15, the parties are not required to provide duplicate disclosures. Rules 30.3 through 30.7 apply only to appeals under (a)(2).

~~(b) Criminal Cases Appeals~~

~~**(1) Appeal on the Record.** In some cases, a limited jurisdiction court has a transcript of proceedings as provided in A.R.S. §§ 22-371(c) or 22-374. In those cases, a person convicted of a criminal offense, or the State on behalf of a victim of a criminal offense, has~~

(c) Reference to Rule 31. Rule 31 governs appeals only if no other provision of this rule applies.

Rule 30.2. Time for Taking an Appeal

A party appealing a decision of a limited jurisdiction court must file a notice of appeal with the clerk of the limited jurisdiction court within 14 days after the entry of judgment and sentence. A defendant must file a notice of delayed appeal within 10 days after entry of an order granting a delayed appeal.

Rule 30.3. Preparation of the Record for a New Trial

Within 3 days after a notice of appeal is filed, the presiding officer of the limited jurisdiction court must transmit to the superior court clerk the complete record of proceedings in the limited jurisdiction court. The presiding officer also must stay the execution of any portion of the sentence requiring the defendant's incarceration, and must stay the execution of any other provision of the sentence upon the execution of a bond by the appealing party in the manner provided by law.

Rule 30.4. Docketing an Appeal and Setting a Trial Date

Within 7 days after the superior court clerk receives the record, the clerk must assign a case number to the appeal and notify the parties of the case number. The superior court must set the case for trial to begin within 40 days after the notice of appeal is filed, and the clerk must notify the parties of the trial date.

Rule 30.5. Appellant's Duty to Request a Trial Date

If the appeal is not set for trial within 25 days after the notice of appeal is filed and the appealing party has not moved to set the case for trial, the superior court may dismiss the appeal and affirm the judgment of the limited jurisdiction court. If a sentence was suspended under Rule 30.3, the superior court may remand the case to the limited jurisdiction court for further proceedings.

Rule 30.6. Stipulations on Questions of Law or Fact

The parties may stipulate to questions of law or fact presented by the appeal, and the superior court may rule on the stipulations alone. The parties must file any stipulation with the superior court no later than 5 days before the trial date. The superior court may order the parties to submit memoranda regarding the relevant issues within a reasonable time before the trial date.

Rule 30.7. Transmittal of Fine upon a Judgment of Guilt in a Trial De Novo

If the superior court finds the defendant guilty after a trial or a guilty plea and imposes sentence, it must immediately notify the presiding judge of the limited jurisdiction court where the appeal originated. Within 3 days after receiving notice, the limited jurisdiction court must transmit to the superior court any fines or forfeitures that the defendant previously paid in the case.

Rule 37. Report of Court Dispositions

Rule 37.1. Final Disposition Report

- (a) **Definition.** A “final disposition report” is a report on a Supreme Court approved form that a court must provide to the Department of Public Safety, which contains details regarding the termination of a criminal proceeding. The report may be created and filed electronically.
- (b) **Scope.** The court must submit a final disposition report to the Department of Public Safety’s central state repository in every criminal case if the defendant was fingerprinted or incarcerated.
- (c) **Timing.** The court must send a final disposition report to the Department of Public Safety’s central state repository within 10 days of the final disposition.

COMMENT

Rule 37.1 is a restatement of A.R.S. § 41-1751.

Rule 37.2. State’s Duty to File a Disposition Form with the Court

- (a) **Generally.** When the State files a criminal charge against a defendant who was incarcerated or fingerprinted, the State must file the disposition form. Before filing a form, the State must complete the applicable portions.
- (b) **When Filing a Complaint.** If the State begins an action by complaint, the State must attach a disposition form to the complaint. If a magistrate holds the defendant to answer before the superior court, the magistrate must forward the disposition form with the records listed in Rule 5.6 to the superior court.
- (c) **When Filing an Indictment or Information.** The State must file a disposition form when it files an indictment or information in the superior court.
- (d) **When the Defendant Is Fingerprinted.** Within 5 days after the defendant is fingerprinted under Rule 3.2(b), the State must file a disposition form in the same court where the complaint, information, or indictment was filed.

Rule 37.3. Reporting Procedure

- (a) **In the Superior Court.** If the final disposition of a case occurs in superior court, the clerk must complete the disposition form and forward it to the Department of Public Safety’s central state repository. The clerk must retain a copy of the completed disposition form in the court’s file.

(b) In a Limited Jurisdiction Court. If the final disposition of a case occurs in a limited jurisdiction court, the magistrate must retain the disposition form until the clerk has transmitted the record on appeal or the time for an appeal has expired. If the clerk has transmitted the record on appeal, the magistrate must forward the disposition form to the court where the appeal is pending. If the time for appeal has expired and no timely notice of appeal was filed, the magistrate must forward the disposition form to the Department of Public Safety's central state repository.

Rule 37.4. Procedure on Appeal

(a) In the Superior Court. When the superior court clerk transmits the record on appeal, the court must forward a copy of the disposition form to the appellate court.

(b) Reversed or Remanded Case. If the appellate court reverses a conviction or remands a case for a new trial or a new proceeding, the appellate court must forward to the Department of Public Safety's central state repository a copy of the disposition form that notes the change in the status of the disposition.

(c) New Proceedings. If an appellate court remands a case for a new trial or a new proceeding, the State must file a new disposition form with the trial court.

Note: Why is current Rule 37.4(a) limited to "courts of record?" Isn't there a similar rationale for LJ courts to forward a copy of the disposition form to the appellate [superior] court?