

SUPREME COURT OF ARIZONA

In the Matter of	)	Arizona Supreme Court
	)	No. R-10-0026
PETITION TO AMEND RULE 11.3,	)	
ARIZONA RULES OF CRIMINAL	)	
PROCEDURE	)	
	)	<b>FILED 06/30/2010</b>
	)	
	)	
	)	

---

**ORDER  
 AMENDING RULE 11.3, RULES OF CRIMINAL PROCEDURE**

A petition having been filed proposing to amend Rule 11.3, Rules of Criminal Procedure, to conform the rules to statutory changes effective July 29, 2010, upon consideration,

IT IS ORDERED that Rule 11.3, Rules of Criminal Procedure, be amended on an emergency basis in accordance with the attachment hereto, effective July 29, 2010.

IT IS FURTHER ORDERED that this matter shall be opened for comment in accordance with Rule 28(G)(2), Rules of the Supreme Court, until May 20, 2011.

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

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

TO:  
 Rule 28 Distribution  
 David K Byers  
 Mark E Meltzer

**ATTACHMENT\***

**Rule 11.3. Appointment of experts**

a. **Grounds for Appointment.** If the court determines that reasonable grounds for an examination exist, it shall appoint at least two mental health experts, ~~at least one of whom must be a psychiatrist,~~ to examine the defendant and to testify regarding the defendant's mental condition. The court on its own motion or upon motion of any party may order that one of the mental health experts be a physician specializing in psychiatry and licensed as provided in sub-section (b) of this rule.

b. **Definition of Mental Health Expert.** [No change.]

c. **Nomination and Appointment of Experts.** The moving party may include in his or her motion a list of 3 qualified mental health experts; the other party may include such a list in a response to the motion. If the court finds that reasonable grounds for a competency examination exist, the court shall appoint two or more mental health experts from its approved list, ~~at least one of whom must be a psychiatrist,~~ to examine the defendant, report to the court in writing within 10 days after examination of the defendant and, if necessary, testify with regard to the defendant's competence. If the appointed expert is unable to conduct the examination within the time allotted, the expert shall immediately inform the court and another expert shall be appointed. Upon approval of the court, ~~t~~The prosecution and the defense may stipulate to the appointment of only one expert.

d. through g. [No change.]

\*Additions to text are shown by underscoring. Deletions are shown by ~~strikeouts~~.