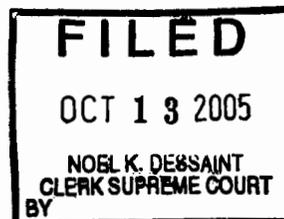


IN THE SUPREME COURT OF THE STATE OF ARIZONA

ORDER AMENDING
RULE 4, ARIZONA RULES OF CIVIL APPELLATE PROCEDURE,
AND
RULE 31.21,
ARIZONA RULES OF CRIMINAL PROCEDURE
NUNC PRO TUNC

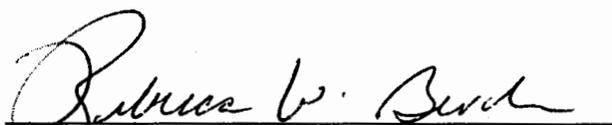


On October 12, 2005, this Court issued an order amending Rule 1, Post Conviction Form No. 1, and Rule 59, Rules of the Supreme Court; Rule 4, Arizona Rules of Civil Appellate Procedure; and Rules 31.12, 31.19, 31.21, and 32.9, Arizona Rules of Criminal Procedure. Further clarifying amendments to Rule 4, Arizona Rules of Civil Appellate Procedure, and Rule 31.21, Arizona Rules of Criminal Procedure, being necessary,

IT IS ORDERED that Rule 4, Arizona Rules of Civil Appellate Procedure, and Rule 31.21, Arizona Rules of Criminal Procedure, be further amended in accordance with the attachments hereto,* effective, *nunc pro tunc*, as of October 12, 2005.

DATED in the City of Phoenix, Arizona at the Arizona Courts Building, this 13th day of October, 2005.

For the Court:


REBECCA WHITE BERCH
Vice Chief Justice

* Changes or additions in text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.

ARIZONA RULES OF CIVIL APPELLATE PROCEDURE

* * *

Rule 4. Filing and Service

(a) Filings; Number of Copies. All papers required or permitted to be filed in an appellate court shall be filed with the clerk and shall contain the state bar number of the counsel representing the party on whose behalf the paper is filed and the firm state bar number, if any. All filings in the Court of Appeals, except for appellate briefs, petitions for review and appendices thereto, and special action petitions, responses and replies, and those filings provided by Rule 11, shall consist of an original and four copies. An original and six copies of briefs, ~~petitions for review,~~ and special action petitions, responses and replies shall be filed in the Court of Appeals. All filings in or for the Supreme Court, including petitions for review and petitions for transfer to the Supreme Court, shall consist of an original and ~~six~~ seven copies, except that, if appendices are bound separately from a petition for review or a response to a petition for review, an original plus two copies of the appendices shall be filed. Filing may be accomplished by mail addressed to the clerk, but filing shall not be timely unless the papers are received by the clerk within time fixed for filing, except in the case of briefs and appendices, which shall be governed by Rule 15(a) of these Rules. No papers received by the clerk within the time fixed for filing which if untimely filed would render the case, appeal or petition subject to dismissal by the appellate court for jurisdictional reasons, shall be refused by the clerk solely for the reason that they were not tendered for filing in the proper court or division. Rather, such papers shall be transmitted by the clerk to the proper court or division and shall be deemed timely filed. If a motion requests relief which may be granted by a single justice or judge, the justice or judge may permit the motion to be filed with that justice or judge, and shall note thereon the date of filing and thereafter transmit it to the clerk.

(b)-(d) [No change in text.]

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ARIZONA RULES OF CRIMINAL PROCEDURE

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Rule 31.21. Manner of Filing and Service; Copies

a. Filing; Number of Copies. All papers required or permitted to be filed in an appellate court shall be filed with the clerk and shall contain the state bar number of the counsel representing the party on whose behalf the paper is filed and the firm state bar number, if any. In the Court of Appeals, the parties shall file an original and four copies of any document, except briefs, petitions for review and appendices thereto, and special action papers. An original and six copies of briefs, ~~petitions for review~~, and special action papers shall be filed in the Court of Appeals. All filings in or for the Supreme Court, including petitions for review and petitions for transfer to the Supreme Court, shall consist of an original and ~~six~~ seven copies, except that, if appendices are bound separately from a petition for review, an original plus two copies of the appendices shall be filed. Filing may be accomplished by mail addressed to the clerk, but filing shall not be timely unless the papers are received by the clerk within the time fixed for filing, except in the case of briefs and appendices which shall be governed by Rule 31.13(a) of these Rules. The party filing such documents shall on the same day serve a copy of any item filed on all other parties, except that two copies of each brief shall be served on opposing counsel.

b. [No change in text.]

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