

Hon. Joseph Welty, Petitioner
1501 W. Washington St., #410
Phoenix, AZ 85007

SUPREME COURT OF ARIZONA

PETITION TO AMEND THE) Supreme Court No. R-19-_____
ARIZONA RULES OF CRIMINAL)
PROCEDURE)
)
)
_____)

Petitioner is a judge of the Superior Court of Arizona in Maricopa County, and Chair of the Supreme Court’s Task Force of Rule 32 of the Arizona Rules of Criminal Procedure. Petitioner also served as Chair of the Supreme Court’s Task Force on the Arizona Rules of Criminal Procedure, now disbanded. Petitioner files this petition to correct a cross-reference and an omission in R-17-0002, which was the petition and Order concerning the adoption of restyled Rules of Criminal Procedure.

1. The cross-reference. This request concerns Rule 31.2 (“Notice of Appeal or Notice of Cross-Appeal.”) Subpart (a)(3) of that rule is titled “Delayed Appeal.”

The current text says,

A notice of delayed appeal must be filed no later than 20 days after entry of the order granting a delayed appeal under (f).

The cross-reference to “(f)” is incomplete. The reference should be to Rule 32.1(f), which concerns a petition seeking relief from an untimely notice of appeal.

2. The omission. The omission is more substantial. Before the 2017 restyling, the Rules of Criminal Procedure were divided into nine major parts, each with a part heading designated by upper case Roman numerals. These part headings appeared twice in the former rules. They appeared first in the table of contents for the Criminal Rules. They appeared a second time in bold, upper case font in their appropriate locations in the body of the rules.

Rule petition number R-17-0002 inadvertently omitted several major part headings, as follows:

Just before Rule 17 and just above it, the following title should have appeared:

V. PLEAS OF GUILTY AND NO CONTEST

Just before Rule 18 and just above it, the following title should have appeared:

VI. TRIAL

Just before Rule 24 and just above it, the following title should have appeared:

VII. POST-VERDICT PROCEEDINGS

Just before Rule 31 and just above it, the following title should have appeared:

VIII. APPEAL AND OTHER POST-CONVICTION RELIEF

Just before Rule 34 and just above it, the following title should now appear:

IX. MISCELLANEOUS

V. MISCELLANEOUS that now appears before Rule 33 should be deleted. The requested changes to the “Miscellaneous” part heading will accommodate a new Criminal Rule 33, as proposed in another filing that Petitioner will submit in the current rules cycle.

3. Conclusion. Petitioner requests the Court to enter a corrective Order for the cross-reference and omission noted above, as shown in the attachment to this petition.

RESPECTFULLY SUBMITTED this 9th day of January 2019.

Hon. Joseph Welty
Petitioner

Attachment

Corrections to the Arizona Rules of Criminal Procedure
New text is shown by underline. There are no strikethroughs.

Rule 31.2 Notice of Appeal or Notice of Cross-Appeal

(a) Notice of Appeal or Cross-Appeal.

(1) *Filing a Notice*. [No change in the text.]

(2) *Time for Filing*. [No change in the text.]

(3) *Delayed Appeal*. A notice of delayed appeal must be filed no later than 20 days after entry of the order granting a delayed appeal under Rule 32.1(f).

(b)through (h). [No change in the text.]

Insert in the Table of Contents of the Rules of Criminal Procedure at the locations designated below, and at the corresponding locations in the body of the rules, the following major part headings.

Just before Rule 17 and just above it, the following title should appear:

V. PLEAS OF GUILTY AND NO CONTEST

Just before Rule 18 and just above it, the following title should appear:

VI. TRIAL

Just before Rule 24 and just above it, the following title should appear:

VII. POST-VERDICT PROCEEDINGS

Just before Rule 31 and just above it, the following title should appear:

VIII. APPEAL AND OTHER POST-CONVICTION RELIEF

Just before Rule 34 and just above it, the following title should appear:

IX. MISCELLANEOUS

V. MISCELLANEOUS that now appears before Rule 33 should be deleted.