

**CASE PROCESSING STANDARDS ANALYSIS
SUPERIOR COURT 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 Superior Court Criminal – Post-Conviction Relief

The following standard has been adopted for Criminal Post-Conviction Relief cases:

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).

Excluded Time: No excluded time.

| Arizona Rules and Statutes | Timelines under Statute and Rule |
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| <p>Notice Filed: ARS¹ § 13-4234 Rule 32.4(a), Ariz.R.Crim.P.² Rule 33.4(a), Ariz.R.Crim.P.</p> <p>ARS § 13-4234(F) Rule 32.5, 32.7, 33.5, 33.7, Ariz.R.Crim.P.</p> | <p>Notice Filed: A defendant must file the notice for a claim under Rule 32.1(a) within 90 days after the oral pronouncement of sentence or within 30 days after the issuance of the mandate in the direct appeal, whichever is later. A defendant must file the notice for a claim under Rule 33.1(a) within 90 days after the oral pronouncement of sentence.</p> <p>A defendant must file the notice for a claim under Rule 32.1(b) through (h) or 33.1(b) through (h) within a reasonable time after discovering the basis of the claim.</p> <p>Appointment of Counsel: Within 15 days of the defendant timely filing the notice, counsel must be appointed (1) if the defendant requests it, (2) the defendant is entitled to appointed counsel under Rule 6.1(b), and (3) there has been a previous determination that the defendant is indigent, or the defendant has completed a declaration of indigency and the court finds that the defendant is indigent.</p> <p>Appointed counsel must file a petition no later than 60 days after the date of appointment. A self-represented defendant must file a petition no later than 60 days after the notice is filed or the court denies the defendant's request for appointed counsel, whichever is later.</p> <p>Defendant's Extension: Defendant may be granted a 30-day extension to file the petition on a showing of good cause. Additional 30-day extensions may be granted on a showing of extraordinary circumstances.</p> |

¹ Arizona Revised Statutes

² Arizona Rules of Criminal Procedure

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| <p>Petition for Post-Conviction Relief Filed: ARS § 13-4235</p> | <p style="text-align: right;">(Measurement Starts Here)</p> <p>Defendant shall include every ground known to him or her for vacating, reducing, correcting, or otherwise changing the judgment or sentence imposed.</p> |
| <p>Response and Reply: ARS § 13-4236(A) Rule 32.9(a) and 33.9(a), Ariz.R.Crim.P.</p> <p>ARS § 13-4236(B) Rule 32.9(b) and 33.9(b), Ariz.R.Crim.P.</p> | <p><u>Response:</u> The State must file a response within 45 days after petition is filed.</p> <p><u>State Extension:</u> The state may be granted a 30-day extension on a showing of good cause. Additional extensions are allowed on a showing of extraordinary circumstances and after considering the rights of the victim.</p> <p><u>Defendant's Reply:</u> The defendant may file a reply within 15 days after receipt of the response. One extension may be granted on a showing of good cause. Additional extensions are allowed only in extraordinary circumstances.</p> |
| <p>Adjudication: ARS § 13-4236(C)</p> <p>ARS § 13-4238(D)</p> | <p><u>Summary Disposition:</u> The court must review the petition within 20 days after defendant's reply is due. If the petition is not dismissed, the court must set a hearing within 30 days on those claims that present a material issue of fact or law.</p> <p><u>Evidentiary Hearing Decision:</u> The court must rule within 10 days after the hearing.</p> <p style="text-align: right;">(Measurement Stops Here)</p> |