

SUPREME COURT OF ARIZONA

In the Matter of	)	Arizona Supreme Court
	)	No. R-10-0010
RULE 32.10, ARIZONA RULES OF	)	
CRIMINAL PROCEDURE	)	
	)	<b>FILED 11/05/2010</b>
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	)	
	)	
	)	

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**AMENDED ORDER<sup>1</sup>**  
**ADOPTING NEW RULE 32.10, ARIZONA RULES OF CRIMINAL PROCEDURE, AND**  
**RENUMBERING CURRENT RULE 32.10 AS RULE 32.11**

A petition having been filed proposing to adopt a new Rule 32.10, Arizona Rules of Criminal Procedure, and to renumber current Rule 32.10 as Rule 32.11, and comments having been received, upon consideration,

IT IS ORDERED adopting new Rule 32.10, Arizona Rules of Criminal Procedure, and renumbering current Rule 32.10 as Rule 32.11, in accordance with the attachment hereto, effective January 1, 2011.

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

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REBECCA WHITE BERCH  
Chief Justice

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<sup>1</sup> The originally adopted version of the rule has been amended by adding "In any capital case" at the beginning of the rule. This technical change clarifies that the rule applies only to capital cases, as originally intended.

TO:  
Rule 28 Distribution  
Ellen M Crowley  
John A Furlong  
mwa

**ATTACHMENT<sup>2</sup>**

**Arizona Rules of Criminal Procedure**

**Rule 32.10. Review of mental retardation determination**

In any capital case, within ten days after the trial court makes a finding on mental retardation, the state or the defendant may file a petition for special action with the court of appeals. The filing of the petition for special action is governed by the rules of procedure for special actions, except that the court of appeals shall exercise jurisdiction and decide the issue raised.

**Rule ~~32.10.~~ 32.11. Extensions of time; notification of victims**  
[No change in text.]

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<sup>2</sup> Changes or additions in rule text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.