

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-13-0010
PETITION TO AMEND RULE)
32.4, ARIZONA RULES OF)
CRIMINAL PROCEDURE)
)
)
)
) **FILED 8/28/2013**
)
_____)

**ORDER
AMENDING RULE 32.4, ARIZONA RULES OF CRIMINAL PROCEDURE**

A petition having been filed proposing to amend Rule 32.4, Arizona Rules of Criminal Procedure, and comments having been received, upon consideration,

IT IS ORDERED that Rule 32.4, Arizona Rules of Criminal Procedure, be amended in accordance with the attachment hereto, effective January 1, 2014.

DATED this _____ day of August, 2013.

REBECCA WHITE BERCH
Chief Justice

TO:

Rule 28 Distribution

Joseph C Welty

Ronald S Reinstein

Mark C Faull

Steven J Twist

Colleen Clase

Elizabeth B Ortiz

Amy Sara Armstrong

Natman Schaye

Emily Skinner

Sheila Sullivan Polk

John Pressley Todd

Arizona Attorneys for Criminal Justice

Charles J Babbitt III, Arizona Attorneys for Criminal Justice

ATTACHMENT*

RULES OF CRIMINAL PROCEDURE

Rule 32.4. Commencement of proceedings

a.-b. [No change in text.]

c. Appointment of Counsel.

(1) *Capital Cases.* After the Supreme Court has affirmed a defendant's conviction and sentence in a capital case, the Supreme Court, or if authorized by the Supreme Court, the presiding judge of the county from which the case originated, shall appoint counsel for the defendant pursuant to A.R.S. § 13-4041 and Rule 6.8 if the defendant is determined to be indigent. If the appointment is made by the presiding judge, a copy of the court's order appointing counsel shall be filed in the Supreme Court.

Upon the filing of a successive notice, the presiding judge shall appoint the previous post-conviction counsel of the capital defendant unless counsel is waived or good cause is shown to appoint another qualified attorney from the list described in A.R.S. § 13-4041.

On the first notice in capital cases, appointed counsel for the defendant shall have ~~one hundred twenty days~~ 12 months from the filing of the notice to file a petition raising claims under Rule 32.1. A capital defendant proceeding without counsel shall have ~~one hundred twenty days~~ 12 months from the filing of the notice to file a petition. On the filing of a successive notice, appointed counsel, or the defendant if proceeding without counsel, shall file the petition within thirty days from the filing of the notice. On a showing of good cause, a defendant in a capital case may be granted a sixty day extension in which to file the petition. Additional extensions of thirty days may be granted for good cause. If a petition for post-conviction relief is not filed within ~~one hundred and eighty days~~ 12 months from the date of appointment of counsel, or ~~one hundred and eighty days~~ 12 months from the date the notice is filed, or the date a request for counsel is denied if the defendant is proceeding without counsel, the defendant or counsel for the defendant shall file a notice in the Supreme Court, advising the court of the status of the proceedings. Thereafter, defendant or counsel for the defendant shall file status reports in the Supreme Court every sixty days until the petition for post-conviction relief is filed.

[No change in remaining text.]

* Additions to text are indicated by underscoring and deletions by ~~strikeouts~~.