

SUPREME COURT OF ARIZONA

In the Matter of)	Arizona Supreme Court
)	No. R-07-0019
PETITION TO AMEND RULE 15.1(i),)	
ARIZONA RULES OF CRIMINAL)	
PROCEDURE)	
)	
)	
)	
_____)	

ORDER
AMENDING RULE 15.1(i)(1), RULES OF CRIMINAL PROCEDURE,
and ADDING A COMMENT THERETO

A petition having been filed proposing to amend Rule 15.1(i)(1) and to add a comment thereto, and comments having been received, upon consideration,

IT IS ORDERED that Rule 15.1(i)(1), Rules of Criminal Procedure, be amended and a comment be added thereto, to read as set forth in the attachment hereto,* effective January 1, 2009.

DATED this _____ day of September, 2008.

RUTH V. MCGREGOR
Chief Justice

TO:
Rule 28 Distribution

ATTACHMENT*

RULE 15.1(i), RULES OF CRIMINAL PROCEDURE

Rule 15.1 Disclosure by state

(a) through (h) [no change]

(i) Additional Disclosure in a Capital Case

(1) The prosecutor, no later than 60 days after the arraignment in superior court, shall provide to the defendant notice of whether the prosecutor intends to seek the death penalty. This period may be extended ~~for thirty days~~ up to 60 days upon written stipulation of counsel filed with the court. Once the stipulation is approved by the court, the case shall be considered a capital case for all administrative purposes including, but not limited to, scheduling, appointment of counsel under Rule 6.8, and assignment of a mitigation specialist. Additional extensions may be granted upon ~~motion of the state~~ stipulation of the parties and approval of the court. The prosecutor shall confer with the victim prior to agreeing to an extension of the 60 day deadline or any additional extensions, if the victim has requested notice pursuant to A.R.S. Section 13-4405.

(2) through (5) [no change]

(j) [no change]

2009 COMMITTEE COMMENT

Rule 15.1(i)(1). The stipulations or extensions authorized by this rule are not to be used for unnecessary delay but are intended to allow defense counsel enough time to gather and present mitigating evidence to the prosecution in those cases when significant mitigating evidence is expected to be readily available before the filing of the notice of intent to seek the death penalty.

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