



# Supreme Court

STATE OF ARIZONA

402 ARIZONA STATE COURTS BUILDING  
1501 WEST WASHINGTON STREET  
PHOENIX, ARIZONA 85007-3231

TELEPHONE: (602) 542-9396

NOËL K. DESSAINT  
CLERK OF THE COURT

KATHLEEN E. KEMPLEY  
CHIEF DEPUTY CLERK

September 27, 2005

**RE: RULE 32.4(c), ARIZONA RULES OF CRIMINAL PROCEDURE**  
Arizona Supreme Court No. R-05-0009

GREETINGS:

The following action was taken by the Supreme Court of the State of Arizona on September 22, 2005, in regard to the above-referenced cause:

**ORDERED: Sua Sponte Petition to Amend Rule 32.4(c), Arizona Rules of Criminal Procedure = Alternative 1 ADOPTED, effective December 1, 2005.**

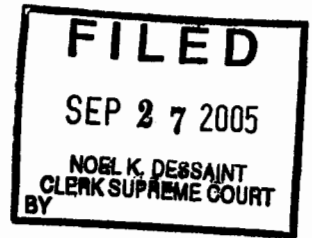
Noel K Dessaint, Clerk

TO:

Robert B Van Wyck, Chief Counsel, State Bar of Arizona  
jr

**IN THE SUPREME COURT OF THE STATE OF ARIZONA**

Supreme Court No. R-05-0009



**ORDER AMENDING  
RULE 32.4(c), ARIZONA RULES OF CRIMINAL PROCEDURE**

IT IS ORDERED that Rules 32.4(c), Arizona Rules of Criminal Procedure, be amended in accordance with the attachments hereto,\* effective as of December 1, 2005.

DATED in the City of Phoenix, Arizona at the Arizona Courts Building, this 27<sup>th</sup> day of September, 2005.

For the Court:

  
\_\_\_\_\_  
RUTH V. MCGREGOR  
Chief Justice

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

## ARIZONA RULES OF CRIMINAL PROCEDURE

\* \* \*

### Rule 32.4. Commencement of proceedings

\* \* \*

#### 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 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 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 from the date of appointment of counsel, or one hundred and eighty days 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 ~~monthly~~ status reports in the Supreme Court every sixty days until the petition for post-conviction relief is filed ~~post-conviction proceedings are concluded in the trial court.~~

(2) *Rule 32 of-right and non-capital cases.* [No change in text.]

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