



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 18, 2006

RE: RULES 31.27 & 32.10, AZ. RULES OF CRIMINAL PROC
Arizona Supreme Court No. R-06-0012

GREETINGS:

The following action was taken by the Supreme Court of the State of Arizona on September 11, 2006, in regard to the above-referenced cause:

ORDERED: [Petition to Amend Rules 31.27 and 32.10, Arizona Rules of Criminal Procedure] = **ADOPTED** as modified on an emergency basis, effective as of the date of signing, with a comment period to follow. Comments due **May 20, 2007.**

THE PETITION MAY BE VIEWED BY GOING TO: <http://www.supreme.state.az.us/>
AND CLICKING ON "COURT RULES FORUM".

COMMENTS MAY BE POSTED ELECTRONICALLY BY GOING TO:
<http://www.supreme.state.az.us/>, CLICKING ON "COURT RULES FORUM" UNDER THE
HEADING "QUICK LINKS," AND FOLLOWING THE INSTRUCTIONS FOR SUBMITTING A
COMMENT.

ALTERNATIVELY, AN ORIGINAL AND SIX (6) COPIES OF ALL COMMENTS SHALL BE
FILED WITH THE CLERK OF THE SUPREME COURT, 1501 WEST WASHINGTON ST., ROOM
402, PHOENIX, AZ 85007 IN AN ENVELOPE MARKED "RULE COMMENT".

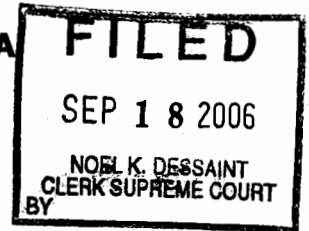
ANY PERSON FILING A COMMENT SHALL SEND A COPY THEREOF TO PETITIONER.

Noel K Dessaint, Clerk

TO:
Final Rule Distribution List
Comment Distribution List
cf

IN THE SUPREME COURT OF THE STATE OF ARIZONA

Supreme Court No. R-06-0012



ORDER AMENDING
RULES 31.27 and 32.10, ARIZONA RULES OF CRIMINAL PROCEDURE

IT IS ORDERED that Rules 31.27 and 32.10, Arizona Rules of Criminal Procedure, be amended on an emergency basis pursuant to Rule 28(G), Rules of the Supreme Court, in accordance with the attachment hereto,* effective as of the date of signing. This matter shall be open for public comment until May 20, 2007.

DATED in the City of Phoenix, Arizona at the Arizona Courts Building, this 18th day of September, 2006.

For the Court:

A handwritten signature in cursive script, reading "Ruth V. McGregor". The signature is written over a horizontal line.

RUTH V. MCGREGOR
Chief Justice

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

ATTACHMENT

ARIZONA RULES OF CRIMINAL PROCEDURE

* * *

Rule 31.27. Extensions of time; notification of victims

In any capital case, if the victim has filed a notice of appearance as specified in A.R.S. § 13-4042, a party seeking an extension of time to file a brief must provide notice of the request to the victim. Notice shall be provided through the prosecutor's office handling the appellate proceeding, unless the victim specifies a different method in the notice of appearance. The victim may specify in the notice of appearance whether notification should be served directly on the victim or on another person, including the prosecutor, and whether service may be made electronically, by telephone, or by regular mail. If the victim has requested direct notification, the party seeking an extension of time shall serve notice on the victim within 24 hours of filing the extension request. If the prosecutor has the duty to notify the victim on behalf of the defendant, the prosecutor shall serve notice within 24 hours of receipt of the extension request. Service shall be made in the manner specified in the notice of appearance, or if no method is specified, by regular mail. In ruling on any request for an extension of a time limit set in this rule, the court shall consider the rights of the defendant and any victim to prompt and final resolution-conclusion of the case.

* * *

Rule 32.10. Extensions of time; notification of victims

In any capital case, if the victim has filed a notice of appearance as specified in A.R.S. § 13-4234.01, a party seeking an extension of time to file a brief must provide notice of the request to the victim. Notice shall be provided through the prosecutor's office handling the post-conviction relief proceeding, unless the victim specifies a different method in the notice of appearance. The victim may specify in the notice of appearance whether notification should be served directly on the victim or on another person, including the prosecutor, and whether service may be made electronically, by telephone, or by regular mail. If the victim has requested direct notification, the party seeking an extension of time shall serve notice on the victim within 24 hours of filing the extension request. If the prosecutor has the duty to notify the victim on behalf of the defendant, the prosecutor shall serve notice within 24 hours of receipt of the extension request. Service shall be made in the manner specified in the notice of appearance, or if no method is specified, by regular mail. In ruling on any request for an extension of a time limit set in this rule, the court shall consider the rights of the defendant and any victim to prompt and final resolution-conclusion of the case.