

FILED
JUN 1 1995
NOEL K. DESSAINT
CLERK SUPREME COURT
BY

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of)
)
PETITION TO AMEND RULE 31.8,)
ARIZONA RULES OF CRIMINAL PROCEDURE)
)

ADMINISTRATIVE ORDER
No. 95- 32

The Arizona Judicial Council has filed a rule change petition in this Court proposing that Rule 31.8, Arizona Rules of Criminal Procedure, be amended to require a showing in non-death penalty cases that the transcripts of voir dire, opening statements, arguments of counsel, and jury instructions are necessary for effective appellate review before they will be included in the record on appeal. The purpose of the proposal is to eliminate certain delays associated with preparation of the transcript and to decrease the cost of providing transcripts on appeal to indigent defendants. On December 7, 1994, the Court considered the proposal and determined that it should be circulated for public comment. The court having now considered the comments received,

IT IS ORDERED that the proposed amendment to Rule 31.8, Arizona Rules of Criminal Procedure, is approved on an experimental basis in Pima County only, as set forth in the attachment hereto, the experiment to begin on July 1, 1995, and to end on June 30, 1996.

After assessment of the results of the experiment, the Court will make a final determination with regard to the rule change petition.

DATED this 1st day of June, 1995.

For the Court:

STANLEY G. FELDMAN
Chief Justice

**RULE 31.8 THE RECORD ON APPEAL;
TRANSCRIPT; DUTY OF THE COURT REPORTER***

a. Composition of the Record on Appeal; Additions; Deletions.

(1) *Composition.* [No change.]

(2) *Additions and Deletions.* [No change.]

b. Transcript: Composition, Additions and Exclusions.

(1) *Composition.* Except in cases where the death penalty has been imposed, the transcript shall consist of the reporter's transcript of the following proceedings:

(i) Any voluntariness hearing or hearing to suppress the use of evidence.

(ii) The trial, except that the record of voir dire of the jury, and the opening statements, and the closing arguments of counsel, and the jury instructions shall not be included ~~unless specifically designated by a party except when shown to be necessary for effective appellate review.~~

(iii) Entry of judgment and sentence.

(iv) Probation violation proceeding.

(v) Aggravation-mitigation hearing.

(2) *Composition Where the Death Penalty Has Been Imposed.* [No change.]

(3) *Additions and Deletions.* [No change.]

c. Notice to Other Parties. [No change.]

d. Duty of the Court Reporter; Payment for Transcript; Number of Copies. [No change.]

e. Responsibility for Payment. [No change.]

f. Statement of the Evidence for Proceedings When No Report Was Made or When the Transcript is Unavailable. [No change.]

g. Agreed Statement as the Record on Appeal. [No change.]

h. Correction or Modification of the Record. [No change.]

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