

FILED

DEC 16 1999

NOEL K. DESSAINT
CLERK SUPREME COURT
BY

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)) PROCEDURES FOR APPEALS FROM) GUILTY PLEAS AND ADMISSIONS) TO PROBATION VIOLATIONS) _____)	Administrative Order No. 99- <u>77</u>
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The Arizona statutes provide that, in non-capital criminal cases, a defendant may not appeal from a judgment or sentence that is entered pursuant to a plea agreement or an admission to a probation violation (A.R.S. § 13-4033). Related procedures are specified in Rules 17.1, 17.2, and 27.8 of the Arizona Rules of Criminal Procedure.

In July 1996, the Supreme Court ordered that a Task Force be formed to implement the recommendations of the Appellate Case Processing Study Committee that had been approved by the Court. During the course of its work, the Implementation Task Force noted that considerable time was spent at the Superior Court preparing the record for cases where an appeal is filed from a judgment or sentence entered pursuant to a plea agreement and those where an appeal is filed following an admission to a probation violation. To avoid this waste of time and effort, courts developed an informal procedure that will now be formally adopted.

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the following procedures are available statewide.

- 1 **PURPOSE.** To promote expeditious case processing procedures statewide and to avoid unnecessary transcript preparation and record duplication, the following procedures are prescribed.

- 2 **APPLICATION.** Clerks of the Superior Court are authorized to follow these procedures and the appellate courts will respond as indicated upon submission of materials pursuant to these procedures.
 - 2.1 **Superior Court.** Clerks of the Superior Court must forward a copy of the notice of appeal to the clerk of the Appellate Court in such a manner as to allow the clerk of the Appellate Court to docket the appeal within five days after the notice was filed. Rule 31.7(a), Rules of Criminal Procedure.

Additionally, within five business days of receiving a notice of appeal, the superior court clerk shall review the record to determine if the appeal is being taken from a guilty plea in a non-capital case or from an admission to a probation violation in a non-capital case.

If such review indicates that the appeal is from a non-capital case guilty plea or from an admission to a probation violation, the superior court clerk shall transmit to the appellate court clerk a copy of the plea or admission minute entry along with a copy of the notice of appeal.

At the same time, the superior court clerk shall internally calendar to call the appellate court clerk no more than ten days later to determine the status of the appeal.

- 2.2 Appellate Court.** If the appellate court determines, based on the two documents transmitted, that the appeal should be dismissed, the court shall enter an order to that effect and forward a copy to the clerk of superior court.

If the appeal is not dismissed, the appellate court clerk shall notify the superior court clerk and the superior court clerk shall then give notice to the court reporter(s) to prepare the appellate transcripts.

IT IS FURTHER ORDERED that the Clerk of an appellate court may adopt similar procedures for handling criminal cases where a premature or untimely appeal is filed and notify the Clerks of the Superior Court within their jurisdiction of any such adoption.

Dated this 16th day of December, 1999.

THOMAS A. ZLAKE
Chief Justice