SUPREME COURT OF ARIZONA

In the Matter of)	Arizona Supreme Court No. R-09-0034
SUA SPONTE PETITION TO AMEND RULE 13.1(c), ARIZONA RULES OF CRIMINAL PROCEDURE)	
)	FILED 11/10/2009
)	

ORDER

It having come to the Court's attention that Rule 13.1(c), Ariz.

R. Crim. P., contains an out-dated reference to Rule 16.7(b), which has been deleted from the rules,

IT IS ORDERED amending Rule 13.1(c), Ariz. R. Crim. P., as set forth in the attachment hereto, to insert the correct rule reference, effective as of the date of signing.

DATED this _____ day of November, 2009.

REBECCA WHITE BERCH Chief Justice

TO: Rules Distribution

ATTACHMENT*

ARIZONA RULES OF CRIMINAL PROCEDURE

Rule 13.1. Definitions; timeliness

- a. Indictment. An indictment is a written statement charging the commission of a public offense, presented to the court by a grand jury, endorsed a "true bill" and signed by the foreman.
- **b. Information.** An information is a written statement charging the commission of a public offense, signed and presented to the court by the prosecutor.
- c. Timeliness. An information shall be filed in Superior Court within 10 days after the determination of probable cause or the defendant's waiver of a preliminary hearing. Failure to file a timely information shall be grounds for dismissal of the prosecution on motion of the defendant under Rule $\frac{16.7(b)}{16.6(b)}$. Such dismissal shall be without prejudice except that if the prosecution is refiled, the time limits under Rule 8.2 shall be computed from the initial appearance on the original complaint.

^{*} Changes or additions in text are indicated by <u>underlining</u> and deletions from text are indicated by strikeouts.