

Arizona Supreme Court

Rule 28 Petition

R-24-0010

RULE 10.2(a), RULE OF CRIMINAL PROCEDURE

Appellate Case Information

Case Filed: 9-Jan-2024

Case Closed: 20-Aug-2024

Dept/Composition

Side 1. RULE 10.2(a), RULE OF CRIMINAL PROCEDURE, Other

(Litigant Group) PETITIONER: DAVID J EUCHNER

- David J Euchner, Petitioner
AZ Bar No. 21768

(Litigant Group) COMMENTOR: MARICOPA COUNTY ATTORNEY'S OFFICE

- Maricopa County Attorney's Office, Commentor

Attorneys for: Commentor

Rachel H Mitchell, Esq. (AZ Bar No. 14560)

Blaine D Gadow, Esq. (AZ Bar No. 15741)

(Litigant Group) COMMENTOR: ARIZONA ATTORNEY GENERAL'S OFFICE

- Arizona Attorney General's Office, Commentor

Attorneys for: Commentor

Kristin K Mayes, Esq. (AZ Bar No. 22584)

Krista Wood, Esq. (AZ Bar No. 25503)

(Litigant Group) COMMENTOR: ARIZONA ATTORNEYS FOR CRIMINAL JUSTICE

- Arizona Attorneys for Criminal Justice, Commentor

Attorneys for: Commentor

Randal Boyd McDonald, Esq. (AZ Bar No. 32008)

(Litigant Group) COMMENTOR: ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL ("APAAC")

- Arizona Prosecuting Attorneys' Advisory Council, Commentor

Attorneys for: Commentor

Elizabeth Burton Ortiz, Esq. (AZ Bar No. 12838)

(Litigant Group) COMMENTOR: STATE BAR OF ARIZONA

- State Bar of Arizona, Commentor

Attorneys for: Commentor

Lisa M Panahi, Esq. (AZ Bar No. 23421)

CASE STATUS

Aug 20, 2024...Case Closed

Aug 20, 2024...Decision Rendered

CASE DECISION

20-Aug-2024 ORDER

* WOULD AMEND RULE 10.2(a) OF THE RULES OF CRIMINAL PROCEDURE TO PROVIDE THAT THE STATE WOULD NOT BE ENTITLED TO A CHANGE OF JUDGE AS A MATTER OF RIGHT IF THE STATE DISMISSES A CASE AND THEN REFILES A CASE AGAINST THE SAME DEFENDANT INVOLVING THE SAME SUB

Filed: 20-Aug-2024

Mandate:

Decision Disposition

Denied

9 PROCEEDING ENTRIES

1. 9-Jan-2024 FILED: Petition to Amend Arizona Rule of Criminal Procedure 10.2(a) (Petitioner David J. Euchner)

Arizona Supreme Court

Rule 28 Petition

R-24-0010

RULE 10.2(a), RULE OF CRIMINAL PROCEDURE

9 PROCEEDING ENTRIES

2. 17-Jan-2024 Rule petitions have been filed in the above-captioned matters under Rule 28(a), Rules of the Supreme Court of Arizona. Upon consideration,
- IT IS ORDERED that these petitions are opened for public comment pursuant to Rule 28(c), Rules of the Supreme Court of Arizona. Comments must be submitted by no later than Wednesday, May 1, 2024, and any reply by a petitioner must be submitted no later than Monday, June 3, 2024.
- The petitions may be viewed by going to: <http://www.azcourts.gov/Rules-Forum>. This opens the "Welcome" page. Petitions are posted under the appropriate body of rules, for example, Rules of Criminal Procedure, which is found by scrolling down the page.
- For instructions on how to post comments electronically, follow the steps listed above and click on <http://www.azcourts.gov/rules/Forum-FAQ> at the top of the "Forum FAQ" page and then "How do I file a comment on a Rule 28 petition?"
- Alternatively, commenters may submit comments by filing an original and one paper copy of the comment and one electronic copy of the written comments and supporting documents in Microsoft Word format on a CD or other compatible electronic medium 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 must send a copy of the comment to the Petitioner electronically or by ordinary mail. (Hon. John R. Lopez IV)
3. 24-Apr-2024 FILED: Maricopa County Attorney's Comment in Opposition (Maricopa County Attorney's Office by Rachel H. Mitchell, Maricopa County Attorney and Blaine Gadow, Chief Deputy)
4. 1-May-2024 FILED: Comment in Opposition to Petition to Amend Rule 10.2(a) (Arizona Attorney General's Office by Kristin K. Mayes, Arizona Attorney General and Krista Wood, Assistant Attorney General)
5. 1-May-2024 FILED: Comment of Arizona Attorneys for Criminal Justice in Support of Rule Change Petition (Arizona Attorneys for Criminal Justice by Randal McDonald)
6. 1-May-2024 FILED: Comment in Opposition to Petition to Amend Rule 10.2(a), Arizona Rules of Criminal Procedure (Arizona Prosecuting Attorneys' Advisory Council ("APAAC") by Elizabeth Burton Ortiz, Executive Director)
7. 1-May-2024 FILED: Comment of the State Bar of Arizona (State Bar of Arizona by Lisa Panahi, General Counsel)
8. 3-Jun-2024 FILED: Reply to Comments on Petition to Amend Arizona Rule of Criminal Procedure 10.2(a) (Petitioner David J. Euchner)
9. 20-Aug-2024 **WOULD AMEND RULE 10.2(a) OF THE RULES OF CRIMINAL PROCEDURE TO PROVIDE THAT THE STATE WOULD NOT BE ENTITLED TO A CHANGE OF JUDGE AS A MATTER OF RIGHT IF THE STATE DISMISSES A CASE AND THEN REFILES A CASE AGAINST THE SAME DEFENDANT INVOLVING THE SAME SUBJECT MATTER**
- ORDERED: Petition to Amend Arizona Rule of Criminal Procedure 10.2(a) = DENIED.
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