

Arizona Supreme Court

Rule 28 Petition

R-24-0016

RULES 17.4 AND 38, RULES OF CRIMINAL PROCEDURE

Appellate Case Information

Case Filed: 9-Jan-2024

Case Closed: 20-Aug-2024

Dept/Composition

Arizona Supreme Court

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RULES 17.4 AND 38, RULES OF CRIMINAL PROCEDURE

Side 1. RULES 17.4 AND 38, RULES OF CRIMINAL PROCEDURE, Other

(Litigant Group) PETITIONER: ARIZONA RESTORATIVE JUSTICE COALITION

- Arizona Restorative Justice Coalition, Petitioner
- Paula Barr Skillicorn, Arizona Restorative Justice Coalition, Petitioner

Attorneys for: Petitioner

Kevin D Heade, Esq. (AZ Bar No. 29909)

(Litigant Group) COMMENTOR: TERRY BORDEN

- Terry Borden, Commentor

PRO SE

(Litigant Group) COMMENTOR: DIANNE POST

- Dianne Post, Commentor
AZ Bar No. 6141
[Current Member]
Admitted 1/8/80

(Litigant Group) COMMENTOR: ARIZONANS FOR RATIONAL SEX OFFENSE LAWS

- Arizonans for Rational Sex Offense Laws, Commentor
- Patricia Borden, Arizonans for Rational Sex Offense Laws, Commentor

(Litigant Group) COMMENTOR: TOM BURKE

- Tom Burke, Commentor

(Litigant Group) COMMENTOR: PJ BOONE- EDGERTON LONGNI

- PJ Boone- Edgerton Longni, Commentor

(Litigant Group) COMMENTOR: VICKY CAMPO

- Vicky Campo, Commentor

(Litigant Group) COMMENTOR: MARICOPA COUNTY JUSTICE OF THE PEACE BENCH

- Hon Anna Huberman, Maricopa County Justice Court Administration, Commentor
- Maricopa County Justices of the Peace Bench, Commentor
- Hon Gerald A Williams, Maricopa County Justices of the Peace Bench, Commentor

(Litigant Group) COMMENTOR: RUSSELL FACENTE

- Russell Brian Facente, Commentor
AZ Bar No. 38673
[Current Member]
Admitted 11/6/23

(Litigant Group) COMMENTOR: CHARLOTTE HAWKEN

- Charlotte Hawken, Commentor

(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: THE MARICOPA COUNTY INDIGENT DEFENSE OFFICES

- Maricopa County Office of Public Defense Services, Commentor
- Maricopa County Office of the Legal Advocate, Commentor
- Maricopa County Legal Defender's Office, Commentor
- Maricopa County Public Defender's Office, Commentor
- Maricopa County Office of the Public Advocate, Commentor

Attorneys for: Commentor

Rosemarie Pena-Lynch, Esq. (AZ Bar No. 23400)

Steve B Koestner, Esq. (AZ Bar No. 11566)

Sherri McGuire Lawson, Esq. (AZ Bar No. 13605)

Gary M Kula, Esq. (AZ Bar No. 12507)

Shannon L Burns, Esq. (AZ Bar No. 15976)

(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)

Alice Jones, Esq. (AZ Bar No. 28062)

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(Litigant Group) COMMENTOR: HAZEL HURLBUT

- Hazel Hurlbut, Commentor

(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) COMMENTORS: AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF ARIZONA AND ARIZONA ATTORNEYS FOR CRIMINAL JUSTICE (AACJ)

- Arizona Attorneys for Criminal Justice, Commentor
American Civil Liberties Union Foundation of Arizona, Commentor
Alejandro Urbina-Bernal, American Civil Liberties Union Foundation of Arizona, Commentor

Attorneys for: Commentor

Jared G Keenan, Esq. (AZ Bar No. 27068)

Lauren Beall, Esq. (AZ Bar No. 35147)

(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 RULES 17.4 AND 38 OF THE RULES OF CRIMINAL PROCEDURE TO INCORPORATE "RESTORATIVE JUSTICE" MECHANISMS, INCLUDING VOLUNTARY VICTIM/DEFENDANT CONFERENCES AND "RESTORATIVE JUSTICE" AGREEMENTS BETWEEN VICTIMS AND DEFENDANTS

Filed: 20-Aug-2024 Mandate:

Decision Disposition

Denied

ORDERED: Petition t

20 PROCEEDING ENTRIES

- 1. 10-Jan-2024 FILED: Petition to Amend Rule 17.4 and Rule 38 of the Arizona Rules of Criminal Procedure to Incorporate Limited Restorative Justice Principles via Victim- Defendant Conferencing; AZRJC'S Proposed Amendments (Petitioner Arizona Restorative Justice Coalition by Kevin D. Heade and Paula Barr Skillicorn, Members)
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. 23-Jan-2024 FILED: (Comment) (Terry Borden)
4. 5-Feb-2024 FILED: (Comment) (Dianne Post)

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5. 7-Feb-2024 FILED: Comment (Arizonans for Rational Sex Offense Laws by Patricia Borden, Director)
6. 8-Feb-2024 FILED: (Comment) (Tom Burke)
7. 14-Feb-2024 FILED: (Comment) (PJ Boone- Edgerton Longni)
8. 16-Feb-2024 FILED: (Comment) (Vicky Campo)
9. 14-Mar-2024 FILED: (Comment) (Maricopa County Justice of the Peace Bench by Hon. Gerald A. Williams, North Valley Justice Court and Hon. Anna Huberman, Maricopa County Justice Court Administration, Presiding Justice of the Peace)
10. 5-Apr-2024 FILED: (Comment) (Russell Facente)
11. 16-Apr-2024 FILED: (Comment) (Charlotte Hawken)
12. 24-Apr-2024 FILED: Maricopa County Attorney's Office Comment in Opposition (Maricopa County Attorney's Office by Rachel H. Mitchell, Maricopa County Attorney and Blaine Gadow, Chief Deputy)
13. 28-Apr-2024 FILED: Joint Comment by the Directors of the Maricopa County Indigent Defense Agencies (The Maricopa Indigent Defense Offices by Rosemarie Pena-Lynch, Steve Koestner, Sherri McGuire Lawson, Gary Kula, Shannon Burns)
14. 30-Apr-2024 FILED: Comment in Opposition to Petition to Amend Rule 17.4 and Rule 38 of the Arizona Rules of Criminal Procedure (Arizona Attorney General's Office by Kristin Mayes, Arizona Attorney General and Alice Jones, Deputy Solicitor General/ Chief Counsel Criminal Appeals Section)
15. 30-Apr-2024 FILED: (Comment) (Hazel Hurlbut)
16. 1-May-2024 FILED: Arizona Prosecuting Attorneys Advisory Council's Comment in Opposition (Arizona Prosecuting Attorneys' Advisory Council ("APAAC") by Elizabeth Burton Ortiz, Executive Director)
17. 1-May-2024 FILED: Comment of American Civil Liberties Union Foundation of Arizona and Arizona Attorneys for Criminal Justice (American Civil Liberties Union Foundation of Arizona by Jared G. Keenan, Lauren Beall and Alejandro Urbina- Bernal; Arizona Attorneys for Criminal Justice (AACJ))
18. 1-May-2024 FILED: State Bar of Arizona Comment (State Bar of Arizona by Lisa M. Panahi, General Counsel)
19. 28-May-2024 FILED: Arizona Restorative Justice Coalition's Reply (Petitioner Arizona Restorative Justice Coalition by Kevin D. Heade and Paula Barr Skillicorn, Members)
20. 20-Aug-2024 WOULD AMEND RULES 17.4 AND 38 OF THE RULES OF CRIMINAL PROCEDURE TO INCORPORATE "RESTORATIVE JUSTICE" MECHANISMS, INCLUDING VOLUNTARY VICTIM/DEFENDANT CONFERENCES AND "RESTORATIVE JUSTICE" AGREEMENTS BETWEEN VICTIMS AND DEFENDANTS

ORDERED: Petition to Amend Rule 17.4 and Rule 38 of the Arizona Rules of Criminal Procedure = DENIED.
