

Arizona Supreme Court

Rule 28 Petition

R-24-0037

RULE 25(g), RULES OF PROTECTIVE ORDER PROCEDURE

Appellate Case Information

Case Filed: 10-Jan-2024
Case Closed: 20-Aug-2024

Dept/Composition

Side 1. RULE 25(g), RULES OF PROTECTIVE ORDER PROCEDURE, Other

(Litigant Group) PETITIONER: MIKE PALMER

- Mike Palmer, Petitioner

(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: COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS

- Committee on the Impact of Domestic Violence and the Courts, Commentor
Wendy A Million, Committee on the Impact of Domestic Violence and the Courts, 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)

CASE STATUS

Aug 20, 2024....Case Closed

Aug 20, 2024....Decision Rendered

CASE DECISION

20-Aug-2024 ORDER

\* WOULD ABROGATE RULE 25(g) OF THE ARIZONA RULES OF PROTECTIVE ORDER PROCEDURE, WHICH AUTHORIZES A COURT TO PROHIBIT A DEFENDANT FROM POSSESSING, PURCHASING, OR RECEIVING A FIREARM DURING THE DURATION OF AN INJUNCTION AGAINST HARASSMENT

Filed: 20-Aug-2024 Mandate:

Decision Disposition

Denied

ORDERED: Petiti

8 PROCEEDING ENTRIES

- 1. 10-Jan-2024 FILED: Petition to Abrogate ("Repeal") Rule 25(g) of the Arizona Rules of Protective Order Procedure, the Court's Red Flag "law" (Emergency adoption requested) (Petitioner Mike Palmer)
2. 17-Jan-2024 FILED: On January 10, 2024, Petitioner Mike Palmer submitted this rule petition seeking to abrogate Rule 25(g) of the Arizona Rules of Protective Order Procedure, which authorizes a court to prohibit a defendant from possessing, purchasing, or receiving firearms for the duration of an injunction against harassment. The petition further requests "Emergency adoption," which is implicitly asking for: (a) expedited consideration of the petition in advance of the Court's August 2024 Rules Agenda under Rule 28(h)(1) of the Rules of the Supreme Court of Arizona; and (b) adoption the petition's proposed rule change on an emergency basis under Rule 28(h)(2) of the same rules. This order addresses the first part of the petitioner's request. Upon consideration and finding that the petitioner has not shown "compelling circumstances" as required by Rule 28(h)(1),

IT IS ORDERED that the petitioner's request for expedited consideration is denied.

IT IS FURTHER ORDERED that the petition will be opened for public comment later this month and that the Court will consider the petition during its August 2024 Rules Agenda. (Hon. Robert Brutinel)

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8 PROCEEDING ENTRIES

3. 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)
4. 11-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)
5. 23-Apr-2024 FILED: Comment to Petition to Repeal Rule 25(g), Arizona Rules of Protective Order Procedure (Committee on the Impact of Domestic Violence and the Courts by Hon. Wendy A. Million, Chair)
6. 1-May-2024 FILED: Arizona Prosecuting Attorneys Advisory Council Comment in Opposition (Arizona Prosecuting Attorneys' Advisory Council ("APAAC") by Elizabeth Burton Ortiz, Executive Director)
7. 3-Jun-2024 FILED: Petitioner's Reply to the CIDVC's & APAAC's Comments in Opposition, citing new case law from the 9th Circuit; Exhibit A; Exhibit B; Exhibit C; Exhibit D (Petitioner Mike Palmer)
8. 20-Aug-2024 WOULD ABROGATE RULE 25(g) OF THE ARIZONA RULES OF PROTECTIVE ORDER PROCEDURE, WHICH AUTHORIZES A COURT TO PROHIBIT A DEFENDANT FROM POSSESSING, PURCHASING, OR RECEIVING A FIREARM DURING THE DURATION OF AN INJUNCTION AGAINST HARASSMENT
- ORDERED: Petition to Abrogate Rule 25(g) of the Arizona Rules of Protective Order Procedure = DENIED.
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